

### Washington, Saturday, January 9, 1943

### Regulations

### TITLE 7—AGRICULTURE

Chapter XI—Food Distribution Administration

[Food Distribution Order 4]

PART 1450-TOBACCO

RESTRICTIONS ON THE SALE AND ACQUISITION OF 1942 CROP BURLEY TOBACCO

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to insure an adequate supply and efficient distribution of Burley tobacco of the 1942 crop to meet war and civilian needs, It is hereby ordered, As follows:

§ 1450.1 1942 crop burley tobacco, allocation and restrictions on acquisitions—(a) Definitions. When used in this order unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Burley tobacco" means tobacco of Type 31, as defined in the Official Standard Grades for Burley Tobacco,1 promulgated by the Secretary of Agriculture under the Tobacco Inspection
Act. (7 U.S.C., 511 et seq.)
(2) "Person" means any individual,

partnership, corporation, association or

other business entity.

(3) "Manufacturer" means any person who processes tobacco into a product for consumer use which is subject to taxation under the Internal Revenue Code. (26 U.S.C. 2000 to 2040)

(4) "Director" means the Director of Food Distribution, United States Department of Agriculture or any employee of the United States Department of Agriculture designated by such Director.
(b) Restrictions. (1) No person shall

after the effective date of this order purchase or otherwise acquire burley tobacco of the 1942 crop unless acquired pursuant to an allocation made under this order.

(2) No person shall offer or cause to be offered for resale at auction burley tobacco of the 1942 crop, which has been sold after the effective date of this order on an auction market.

17 CFR 29.206 (11).

(3) No manufacturer or person purchasing for resale, shall after the effective date of this order purchase burley tobacco of the 1942 crop in localeaf form which has not been inspected and certificated pursuant to the provisions of the said Tobacco Inspection Act.

(4) The restrictions of this order shall be observed without regard to the rights of creditors, contracts and payments made or any other action taken there-

under.

(c) Records and reports. Every manufacturer, person operating an auction warehouse on which burley tobacco is sold and any other person to whom this order applies, shall maintain such records for such periods of time and shall execute and file such reports and submit such information as the Director may from time to time request or direct and within such time as he may prescribe.

(d) Audits and inspections. Every manufacturer or any other person to whom this order applies shall permit inspections of his stocks of tobacco and of his books, records, and accounts by the Director or any person designated

by him.

(e) Petition for relief from hardship.
Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth, in said petition, all pertinent facts and the reasons for such petition being approved. The Director may thereupon take such action as he deems appropriate, and such decision by the Director shall be final.

(f) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control. and may be deprived of priority assistance: Frovided, That no person shall be deemed to have violated this order by reason of having acquired tobacco dur-

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in excess of any allocation made u	dove.

after the close of the burley auction marketing season, files a notice with the Director giving full information with respect to such excess acquisitions, and, subject to the direction of the Director, makes all tobacco acquired subsequent to filling his allocation available for purchase, at the price acquired, to eligible manufacturers.

(h) Communications to Department of Agriculture. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United State Department of Agriculture, Washington, D. C. Ref: FD-4.

(i) Delegation of authority. The Director of Food Distribution is hereby designated to administer the provisions hereof. The allocations provided herein shall be made by the Director subject to such conditions as he may prescribe and which will tend to effectuate the purposes of this order.

(j) Effective date. This order shall be effective as of the date of its issuance.

(E.O. 9280, 7 F.R. 10179)

Page

Issued this 7th day of January 1943. [SEAL] CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 43-421; Filed, January 8, 1913; 11:19 a. m.]

TITLE 10-ARMY: WAR DEPARTMENT

Chapter III-Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS

PAYMENTS FOR TELEPHONE, TELEGRAPH AND TELETYPEWRITER SERVICE

Sections 35.18 to 35.21 are rescinded and the following substituted therefor:

Telephone service. 35.19 Telegraph service, rates. 35.20 Bills paid monthly. 35.21 Teletypewriter service.

AUTHORITY: Sections 35.18 to 35.21, inclusive, issued under R. S. 161; 5 U. S. C. 22. Source: These regulations are also con-

tained in Army Regulations No. 35-6100, July 23, 1942, as amended by C 1 December 22, 1942, the particular paragraphs being shown in brackets at end of sections.

Payments for Telephone, Telegraph and , Teletypewriter Service

§ 35.18 Telephone service—(a) Rates, general. Where a contract for the furnishing of telephone service to the Government provides for payment at legally established rates, payment for services currently rendered is authorized at the increased rates established by city ordinance after court determination of in-(15 Comp. sufficiency of prior rates. Gen. 896)

(b) Flash calls made by ground observers. Flash calls made by ground observers in connections with Aircraft Warning Service may be billed as a group from a given point to a filter center, if such calls do not consume more than the minimum talking period. Where such calls consume more than the minimum talking period, they will be listed separately. (See MS. Comp. Gen., B 25280, April 28, 1942)

(c) Private residences. Payment is unauthorized from public funds for the installation or rent of a telephone installed in a private residence irrespective of its use for official business, but longdistance tolls for messages received or transmitted over such telephone, strictly for the public business, may be so paid. (See also 15 Comp. Gen. 885) [Pars. 2c

and 3f and g]

§ 35.19 Telegraph service, rates—(a) Official messages. The rates for communications by telegraph between the several departments of the Government and their officers and agents in their transmission over the lines of any telegraph company to which has been given the right-of-way, timber, or station lands from the public domain are fixed annually-by the Federal Communications Commission pursuant to the provisions of section 5266, Revised Statutes, as amended (Par. 1d).

(b) Personal messages. Administrative offices may increase amounts claimed for telegraph services by the difference between the Government rate billed and the commercial rate for messages of a personal nature where collection at the commercial rate, plus tax, has been made from the individual for whose benefit the services were rendered, and deposited in special deposit funds, provided the voucher shows the full cost of the telegrams at commercial rates is being charged to the special deposit funds. (See 17 Comp. Gen. 873) [Par. 4a and k]

§ 35.20 Bills paid monthly—(a) General. In general, all official telegrams will be charged to and paid for at the sending office on monthly bills, which will be submitted by the local telegraph office directly to the local commanding officer.

(b) Supporting evidence. (1) Telegraph bills will be supported by proofs of service which, except "Government collect" messages or telegrams of a confidential nature, will be original telegrams bearing the operator's original pencil notations or indorsement of transmission showing actual performance. (See 14 Comp. Gen. 825, 16 id. 217.) As to what constitutes an original within this rule, the basic reason for the requirement that the original be filed is to insure that the charges for transmission were correctly computed for the services actually rendered and to prevent duplicating payment of such charges. This is best accomplished by accompanying the voucher with the copies of the telegrams used for transmission, showing thereon the company notations with respect to the time filed, the number of words paid for, etc., such copies being commonly referred to as transmission or wire copy. It is immaterial for audit purposes whether the transmission or wire copies be written in long hand or consist of carbon copies; on the other hand, a ribbon copy not showing the transmission data would be of little, if any, use in auditing the charges. (See 21 Comp. Gen. 364)

(2) If charges are included in monthly bills for messages received "Government collect," carbon copies will be accepted in support of the charges. (See MS. Comp. Gen. A-13067, December 18, 1935)

(3) Vouchers for telegraph services furnished by a foreign government in transmitting alleged confidential messages in code may not be passed by the General Accounting Office upon a blanket certification that they were confidential, but copies of the telegrams in code and untranslated will be submitted in support of the account. (See 4 Comp. Gen. 860)

(4) While the general rule is that claims for telegraphic services not of a confidential nature must be supported by the originals of the outgoing messages when presented for payment (subparagraph (1) above), where the messages originate in a foreign country in which the transmitting company is not per-

mitted by its regulations to surrender the originals, copies of the originals will be accepted in support of vouchers, provided appropriate steps are taken by the administrative office to prevent a duplicate payment for the same services. (See 21 Comp. Gen. 94)

(5) (i) Bills for multiple-address telegram transmission services will be supported by evidence that the official message required to be sent was the message was in fact transmitted, that the message was in fact transmitted, and that the class of service rendered and charged for was that requested by the sender. Therefore a self-serving statement by a telegraph company official that the services were performed as requested cannot be accepted in lieu of the required data.

(ii) Where transmission of a multiple-address telegram is from the originally filed copy of the message, the voucher covering payment for the transmission services will be supported by such original and the list of addresses with appropriate data placed thereon at the time of transmission, but where transmission is from copies of such original, the copies containing the necessary data for a proper audit are required to be filed with the voucher. (See MS. Comp. Gen., B 28733, October 24, 1942)

(c) Bills to be paid within 5 days. Disbursing officers to whom bills are submitted for payment will settle such accounts within 5 days after receipt, making payment to the local telegraph office rendering the account. This will not be construed as authorizing payment when papers necessary to support the voucher are not in the possession of the disbursing officer.

(d) Payment to initial company. In settling accounts for telegrams which pass over the lines of more than one company (bond-aided excepted), payment may be made on the original telegram to the initial company for the entire service. [Par. 4e, f, g, h, and i]

§ 35.21 Teletypewriter service—(a) Certificate. The general certificate prescribed in § 35.1 (b) is required.

(b) Copies of teletypewriter messages not required. Accounts for teletypewriter service need not be supported by the originals or copies of messages prescribed in § 35.20 (b) for official telegrams. [Par. 6]

[SEAL]

J. A. ULIO, Major General, The Adjutant General.

[F. R. Doc. 43-415; Filed, January 8, 1943; 9:33 a. m.]

### TITLE 14-CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce [Amendment 24]

PART 601—DESIGNATION OF AIRWAY TRAF-FIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRFORTS, AND RADIO FIXES

REDESIGNATION OF RADIO FIX: AMBER CIVIL AMRWAY NO. 4

JANUARY 5, 1943.

Acting pursuant to the authority vested in me by section 303 of the Civil Aeronautics Act of 1933, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.4014 Amber Civil Atricay No. 4 (Brownsville, Tex., to Bismarcl:, N. Dal:.) to read as follows:

Brownsville, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Brownsville, Tex., radio range, and the south leg of the Alice, Tex., radio range; Alice, Tex., radio range station; the Pleasanton fan type radio marker station or the intersection of the center lines of the on course signals of the north leg of the Alice, Tex., radio range, and the south leg of the Alamo radio range, San Antonio, Tex.; the Alamo radio range station, San Antonio, Tex.; Spring Branch, Tex., fan type radio marker station or the intersection of the on course signals of the north leg of the Alamo radio range, San Antonio, Tex., and the couthwest leg of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the interrection of the center lines of the on course signals of the northwest leg of the Waco, Tex., radio range and the south lcg of the Fort Worth, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the coutheast leg of the Wichita Falls, Tex., radio range; Marietta, Tex., fan type radio marker station, or the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Oklahoma City, radio range and the couthwest leg of the Tulsa, Oklahoma, radio range; Tulsa, Oklahoma, radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Chanute, Kansas, radio range and the northwest leg of the Tulsa, Oklahoma, radio range; Chanute, Kans., radio range station; St. Joseph, Missouri, radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dalt., radio range and the southeast leg of the Bismarck, N. Dak., radio range.

This amendment shall become effective 0001 E. W. T., January 15, 1943.

C. I. Stanton,
Administrator.

[F. R. Doc. 43-413; Filed, January 8, 1943; 9:33 a.m.]

TITLE 24—HOUSING CREDIT Chapter IV—Home Owners' Loan

Corporation [Bulletin No. 146]

PART 402-LOAN SERVICE DIVISION

PROPERTY PURCHASE BY CORPORATION IMPLOYEE

Correction

In the 8th line of § 402.17-4, appearing on page 225 of the issue for Wednesday, January 6, 1943, "or" should read "of".

€€€€€##€€€€€

TITLE 30-MINERAL RESOURCES

Chapter III-Bituminous Coal Division

[Docket No. A–1756]

Part 321—Minimum Price Schedule, DISTRICT No. 1

ORDER GRANTING RELIEF, ETC.

of price classifications and minimum prices for the coals of certain mines in District No. 1. Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this

Price Schedule for District No. 1 and supplements thereto.

fications and minimum prices for the coals of certain mines in District No. 1; questing the establishment, both temporary and permanent, of price classi-Division by the above-named party, reIt appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the aboveentitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final dispo-

ing thereto Supplement R, and § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and porary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical *tist of code members*) is amended by addhereby made a part hereof.

the above-entitled matter and applica-(45) days from the date of this order,

(d) of the Bituminous Coal Act of 1937. It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered. It is further ordered, That no relief be ings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

order separating that portion of Docket No. A-1756 relating to these coals from the rest of the docket and designating it as Docket No. A-1756, Part II. Dated: December 21, 1942. ments except truck and for truck ship-ments for the reasons appearing in the berry #3 Mine (Mine Index No. 573) of granted herein for the coals of the Lans-Lansberry & Son, Abbie E., for all ship-

DAN H. WHEELER,

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1 sition of the above-entitled matter, tem-

Governing Practice and Procedure before the Bituminous Coal Division in Proceedtemporary relief herein granted may be filed with the Division within forty-five pursuant to the Rules and Regulations in opposition to the original petition in tions to stay, terminate or modify the

It is further ordered, That pleadings

Nore: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having raliway loading facilities, showing price classifications by size group numbers] § 321.7 Alphabetical list of code members-Supplement R

Code member   Mine name district		
Sub-time   Code member   Cod	**	SEESEMM SEESE
Code member   Code member   Railroad   Sub-   Seam   Shipping point   Railroad   Code member   Rought   Code member   No.   Code member   No.   Code member   No.   Code member   Code member   No.   Code member   Code member	က	насононасно
Code member	69	***************************************
Code member	1	<del>=========</del>
Sub-code member   Mine name   Sub-code member   Mine name   Sub-code member   Mine name   Mine name name   Mine name name name   Mine name name name name name name name na	Froight origin group No.	
Sub-code member   Mine name   Sub-code member   Mine name   Sub-code member   Mine name   Mine name name   Mine name name name   Mine name name name name name name name na	Railroad	B&O NYO NYO NYO NYO PRR PRR PRR PRS NYO NYO
Sub-close nomber   Mine name district   No.	Shipping point	Stoyestown, Pa. Shipponville, Pa. Shipponville, Pa. Shipponville, Pa. Philipsburg, Pa. Now Bethinhem, Pa. Antla, Pa. Rixoxdale, Fa. Philipsburg, Pa. Philipsburg, Pa. Philipsburg, Pa.
Code member   Mine name		DOBBE PROOC
Code member   Mine	Sub- district No.	ELLATA COTA
	Міпо пате	Borkobilo #3.  Billings Coal Co. #1 (S).  Billings Coal Co. #2 (S).  Glours Coal Co. #2 (S).  Hill Bros. #1 (S).  Eseman Bros. #2 (S)  Round Hill.  Miller.  Boliast #18 (S).
	Code momber	Berkeblie, Freeman   Berkeblie, Freeman   Billings Coal Company (C. E. Wood)   Billings Coal Company (C. E. Wood)   Billings Coal Coal Coal Coal Coal Coal Coal Coal
	Mine Index No.	2355 2354 2355 2355 2355 2355 2355 2355

findicates no classifications or prices effective in these size groups.

[Pricos in cents per net ton for shipment into all market areas] General prices—Supplement FOR TRUCK SHIPMENTS \$ 321.24

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	All lump coal double seresned top size 2" and over	1	€g	뛇	€g	€		€		€€
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	Oounty		Somerset	Olarion	Olearfield	Jefferson	Clearacld		Cambria	Centro. Somercet.
	Dist. No.	dug	23		77	ದಿವರ		16		<b>3</b> 8
a trong the transition and not builting the transition and transition and the transition	Mino	,	Berkebile 63. Bijlings Coal Co.	Billings Coal Co.	田豆	Round Hill. Miller.			Schnabel 02. Beliect 017	Belfact (118 (8) Thompcon
1	9 Index Mo.	niM	3701 3785	3851	3857	35.00 55.00	3327	3314	88	25. 10.
YAN 7 7 1	oodo Member Index		Berkebile, Freeman Billings, Coal Company (O. E.	(O. E.	Wood). Hill Brothers (Coal) W. D. Hill. Leman Bros. (Hugh W. Lee-		Morehouse Prothers (Dakin C.) Morehouse). Oulel: & Quenet Goal Co.	John Kercstery	(James Rager). Fehnabel, George Sehmer Coal Co. R. R.	Thempron, Charles R. 3311

Indicates no electifications or priess effective for these cise groups.

[F. B. Doc. 43-361; Filed, January 7, 1943; 11:26 a. m.]

324-Minmin Parce Schebull, ONDER GRANTENG RECEEP, CTC. [Docict No. A-1703] DESTRICT NO. 4

Order granting temporary-relief and conditionally providing for final relief

in the matter of the petition of District Board No. 4, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4.

An original petition, pursuant to ecction 4 II (d) of the Bituminous Coal Act

sertain mines in District No. 4, and elimination of the "Q" classification ax No. 2960, of Pearl Jacobs, for the of 1937, having been duly filed with this Division by the above-named party, res and minimum prices for the coals ize Group 10 as set out in the Schedule the coals of the Jacobs Mine, Mine questing the establishment, both tempoy and permanent, of price classificaiffective Minimum Prices for District 4, For All Shipments Except Truck, on that this is not a strip mine;

No. 4 For All Shipments Except Truck be, and the same is hereby amended by

deleting the classification of "Q" from Size Group 10 coals produced by the

Pearl Jacobs, formerly operated by

George A. Christy.

Jacobs Mine, Mine Index No. 2980,

Effective Minimum Prices for District

ing forthwith § 324.9 (Recapitulation of price classifications) in the Schedule of

It is further ordered, That commenc-

after set forth and hereby made a part

ment T, which supplements are herein-

is amended by adding thereto Supple-

appearing that a reasonable showing ecessity has been made for the grantof temporary relief in the manner sinafter set forth; and

o petitions of intervention having been with the Division in the above-

he following action being deemed necry in order to effectuate the purposes tled matter; and ne Act:

by adding thereto Supplement R-I, § 324.11 (Special prices—(a) Railroad by adding thereto Supplement R-II, and is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (Alphabetteal list of code members) is amended fuel prices for all movements exclusive of lake eargo railroad fuel) is amended § 324.24 (General prices in cents per net ton for shipment into all market areas)

of 1037.

tions to stay, terminate, or modify the It is further ordered, That pleadings temporary relief herein granted may be (45) days from the date of this order, pursuant to the Rules and Acgulations tion 4 II (d) of the Bituminous Coal Act in opposition to the original petition in filed with the Division within forty-five It is further ordered, That the relief herein granted shall become final slaty the above-entitied matter and applica-Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to sec-(60) days from the date of this order, unices it shall otherwise be ordered.

DAN H. WIELLER,

Dated: December 24, 1942.

[GEAL]

Terronance of the contained in thee cupplements to be read in the light of the electronary prices, instructions, exceptions, and other provisions contained in Bart 323, Minimum Price Echedulo for District No. 4 and supplements thereto,

§ 324.7 Alphabetical list of code members—Supplement R-I FOR ALL SHIPPINISHES ENCEPT TRUCK

Alphabetical list of codo members having railtead leading faculties, thowing price classification by price group numbers)

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Base sizes

General prices in cents per net ton for shipment into all market areas—Supplement T—Continued

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Mine index No.

\$ 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R- $\Pi$ 

New railroad fuel price groups, Numbers 122 and 123, are hereby established as follows (add to § 324.11 (a) in Minimum Price Schedule for District No. 4):

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Prices in cents per net ton by size group Nos.	2	240
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Ā	62	240
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Rallroad fuel-	group No.	123
Warner of a fine of	Lyame of fall oad	The Pittsburgh and Lake Erle Railroad Co.

findicates no classification or prices effective in these size groups.

General prices in cents per net ton for shipment into all market areas— Supplement T FOR TRUCK SHIPMENTS \$ 324.24

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Locust Grove #2... 3070

Locust Grove Coal Co. (Charles F. Dixon). Spearry, Frank (Spearry Coal Co.).....

Subdistrict No. 7—Jackson

JACKSON COUNTY

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F. R. Doc. 43-353; Filed, January 7, 1943; 11:27 a. m.]

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Partin Coal Co. (Geo. H. Partin)	[F, R, Doc, 43–363; Filled, Je	[Docket No. A-1775] PART 327—MINIMUM PRICE SCHEDULE,	DISTRICT NO. 7	Order granting temporary relief and	conditionally providing for final relief	in the matter of the petition of District	Board No. 7 for the establishment of price classifications and minimum prices	for the coals of the Allen Mine of P. B. Allen, in District No. 7.	An original petition, pursuant to sec-	tion 4 II (d) of the Bituminous Coal Act of 1037 having been duly filed with this	Division by the above-named party, re-	questing the establishment, both tem-	porary and permanent, of price classi-	coals of the Allen Mine of P. B. Allen.	Mine Index No. 329, in District No. 7;	and	It appearing that a reasonable show- ing of necessity has been made for the
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	Codo member		Subdistrict No. 4—Middle	CARROLL COUNTY	Davis, A. K. & Emory Baugnman (A. K. Davis).	Grant Collierles, Inc.1	COLUMBIANA COUNTY	A & A Coal Co. (A. E. Akenhead)	COSHOCTON COUNTY	Consumers Collieries Co., The	West Coal Co	MAHONING COUNTY	Carbon Limestone Co., The	TUSCABAWAS COUNTY	Eberhart, Edwin R., (Eberhart Coal Co.). Marchesi Coal Co., The	Schneiter, Frank H	Subdistrict No. 6-Hocking

volatile coals: Alphabetical list of code members) is amended by adding thereto Supplement R, and § 327.34 (General prices in cents per net ton for shipment into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth temporary relief is granted as follows: Commencing forthwith § 327.11 (Low It is ordered, That, pending final disposition of the above-entitled matter, and hereby made a part hereof.

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order. (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before ings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the the Bituminous Coal Division in Proceed-It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered. An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, refications and minimum prices for the coals of the Allen Mine of P. B. Allen, Mine Index No. 329, in District No. 7; questing the establishment, both temporary and permanent, of price classi-

Dated: December 28, 1942.

Dan H. Wheeler

ing of necessity has been made for the granting of temporary relief in the manintervention having It appearing that a reasonable showbeen filed with the Division in the abovener hereinafter set forth; and No petitions of

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J. Coe & Sons.....

The following action being deemed necessary in order to effectuate the purentitled matter; and poses of the Act

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Wills Creek C. Co. [3042] Deep...

Wills Creek Coal Mining Co. (John Hom-

Subdistrict No. 6-Crooksville

MUSKINGUM COUNTY

Coe, J., & Sons (Jack Coe) .....

HOCKING COUNTY

<sup>1</sup> Erronscusly listed and priced in Docket A-1339 as being located in Columbiana County.

TEMPORARY AND CONDITIONALLY FINAL HEFECTIVE MINIMUM PAICES FOR DISTRICT NO. 7 Norm: The material contained in these supplements is to be read in the light of the classifiertions, prices, instructions, exceptions and other provisions contained in Fart 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabotical list of codo mombers having rallway loading facilities, showing price elassifications by size groups for all uses except as separately showil]

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,	Code member	Allen, P. B Allen
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When shown under a Sizo Group Number, this symbol indicates no classification effective for this cize group.

General prices in cents per net ton for shipment into any market area—
Supplement T FOR TRUCK SHIPMENTS 3 327,34

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[F. R. Doc, 43-364; Filed, January 7, 1943; 11:26 a. m.]

Part 328—Minimum Parce Schedule, ONDER GRANTING RELIEF, ETC. Decket No. A-1743] DETRICE No. 8

Order granting temporary relief and conditionally providing for final relief

in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

change in the shipping point, railroad of Mine Index No. 5720, and for a change of 1937, having been duly filed with this tions and minimum prices for the coals of certain mines in District No. 8; for a and freight origin group for the coals Division by the above-named party, rein the seam designation for the coals of rary and permanent, of price classificaquesting the establishment, both tempo-Mine Index No. 407, in District No.

ing of necessity has been made for the It appearing that a reasonable showgranting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-

The following action being deemed necessary in order to effectuate the purentitled matter; and poses of the Act;

by adding thereto Supplement R, and 328.34 (General prices for high volatile soals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; commencing forthwith, the chipping point, railroad and freight origin group appearing in the aforecald Supplement R for the coals of Mine Index No. 5720 shall be as therein road and treight origin group herefolore applicable for this mine; and commencing forthwith, the scam designation appearing commencing forthwith, § 328.11 (Alphaoctical list of code members) is amended chown instead of the shipping point, rall-It is ordered, That, pending final disosition of the above-entitled matter emporary relief is granted as follows:

the coals of Mine Index No. 407 shall be as therein shown instead of the seam designation heretofore applicable to this It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing stay, terminate or modify the temporary Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 🎞 (d) of the Bituminous Coal Act of 1937.

herein granted shall become final sixty It is further ordered, That the relief trict Board No. 8 in the original petition filed herein for the coals of the Betsey No. 1 Mine, Mine Index No. 5768, of Shank & Shank, have not been established for the reason that the prices requested are the same as those requested in Docket No. A-1557 for all the mines in Putnam matter is now pending before the Director. In lieu thereof, the minimum prices for truck shipments set forth in Supplement T, which are the prices presently established for coals in Putnam County, West Virginia, have temporarily been established for the coals of this (60) days from the date of this order The minimum prices requested by Dis-County for truck shipments and upon unless it shall otherwise be ordered. which request a hearing was held.

Dated: December 21, 1942.

DAN H. WHEELER,

Temporary and Conditionally Final Effective Minimum Prices for District No. 8

Norz: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District yo. 8 and supplements thereto.

Alphabetical list of code members—Supplement R \$ 328.11

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

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	_		no de la contra del contra de la contra de la contra del la contra de la contra de	Chelste Fauthaut). Christle Coal Co. Combs. James M. Cross. Charles & James Charles & Good	Company. Elkhorn Collieries Corpora-	Elliott, Wilson.	F. & B. Coal Co. (W. S. Bar-	Garrison, Brodis B Gatliff Coal Co. (George Gibson Coal Co. (George Gibson).	Goode, L. S. (Mrs.) (Goode Coal Co.). Helton, Larence	ppe respective		Osborne, S. V. F. Femberton, H. F.	Porter, Henry (Porter Elk-	Ridgeview Coal Co-
		i	Burtons Ford Coal Co. I. C. McPherson). Campbell, Arthur.	- 600 P. P.	可謂	Ē	E.	€885°	8 1	Hopper, Noah. Kenmont Coal Co., The. L. & W. Coal Co. (W. H.	ž	Per	Po	r R R R
	oM za	bai saiM	2870 5761 5302	107 5806 5820 5820	201	5747	2321	5804 5805 5811	2891	572 873 873 873	6949	5771 5821	5788	407
		J,	. ಬ್ರಾಬ	្នុង ដ	~	īĞ	èí	ವವವ	oi io	10 TE	13	மம்	ij	72

1 Denotes now shipping point. Shipping point at Monterey, Tenn., shall no longer be applicable.
2 Denotes chance in som desfrantion.
I findicates no classification effective for these sto groups.
Indicates previously classified these size groups.

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Folher, Mack & Clydo & Amon | Folher & Polson......

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T—Continued § 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T FOR TRUCK SHIPMENTS

	all market areas—Supplement	Su)	pplement T		.			l	1		_	-		Ħ	Baso sizes	202			
•					Ħ	Base sizes	ຄ			o		1 22		191	12.		_	-	
Code member Index	Mino	.oV zebni e	geom geom	Lump over 2', egg Lump 2'' and under, egg 3'' x 6''	Lump 3," and under	EEE Z' x 4", erg Z'	Straight mine run	2" and under, slack 3" and under, slack	Codo member indox	Mino	Mine index No.	S S H Lump over 27, C	Lump 0727 27, 6	on bas %?" and uno	EEE Z, X 4, 622	Stove 3" and unde	aux enim täglerti 🗢	→   2" and under, slace  x   34" and under, slace  x   54" and un	
		nji/		2	69	75	9	2	Subdistrict No. 4—Kanawha		Ϊ		+	<u> </u>		T	<del>-}</del>	<del></del>	, ^
Suppletanct No. 1—Big Sandy- Elemon									, boone county, W. VA.										
CANTER COUNTY, KY.									Ridgovlow Goal Company	Ridgoview	407	Codar Grovoand (No. 2 Gas.	<u>୧</u>	ε	£	€	<del>Č</del>	<u>ଥ</u>	
Haywood, O. S. & Gcorgo (O. S. Haywood).	Haywood	5752	No. 7	282	200	240	225 220 170 165	91 021	Shank & Shank (Ray	Bettey No. 1	5763	Pittsburgh No. 8. 2	265 245	225	215		- <del>1</del>	200 215 145 110	
FLOYD COUNTY, KY.			-						Bundernior No. 6-Louan										
Hopper, Noah	Noah Hopper	675 575 575 575 575 575 575 575 575 575	Elkhorn No. 1 Ellihorn No. 1	88 88	225 285 285 285	ន្តន	e e e	225 150 185 235 150 185	Crystal Block Coal & Coke Co.		SS		276 223	95	ន្ត	ន	ន្តិ		
tourcon countr, hr.			-	_															
Folichild, Ray	DING	72 5	Millers Creek	ਲ ਲ	302	S	333	215 100 163	501										
MAGONTIN COUNTY, IIV.		Ì					-			4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1						\$	<u>.</u>		, ~~ `
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William Torses	Mriting and Are of					-				Men Tomb	Î							_	
Williams, Jackstrons	Williams Ao. Z.	Š.		in H	និ	e Fi			tand)	Aleca Lewis	9	. ##	3 3	Š	3		- -	021 021 0 TOTAL	ر <i>ن</i> ت
Mailias, Allen Occesse, S. V. Republic Steel Cerperation	Mallins. Ocherno Republic		Uprer Dikham. Elkhem No. 2	ลีลี≘	ides Săă	ຄືຄືອ	តីទីនិ €និតី	25.00 25.00	Covey, W. C.	Covey No. 1	STE	No. 3.	66 88	ត់អ	ដ៏ដី	88 88	ยู่ส	<u> </u>	
Sundistnict No. 3-Hazand									JACTRON COUNTY, HY.									•	,
nelater court, er. Mere, H. R.	Mesro	5748	Hazard No. 4	- FE	355	Ç.	0.22.016	51	Templeten & Reminsten Dewey Templeten).	Templeton	윉	Fand Oap	252 253	8	ន៏	ध	ដ្ឋ	<u> </u>	ວ - <b>,</b> -
Blong, Lingy & Russell (Rus-	Slone	Ę.	Hazard No. 6	282	388 238	ei ei	216 216	201 201 002	Tillett	Wilcon-Dillett No. 1 Larengo Helton No. 2	12.5	Jellies	255 255 255 255	55	22	8121	53	177 170 170	==
COUNTY, IT.									PULASHI COUNT, HT.										
Cooper & Dunaway (J. C.	Cooper	1 <b>67</b> 00	Ida May	<u> </u>	<u>e</u>	ε	<u> </u>	<u> </u>	Fosice, Chas	Victory	ध	No. 3	<u> </u>	0	8	\$3		2301775177	9
Johnson, Prico	John on David Emples No. 2.	S. S.	Beattyville	833 833	955 255 255 255 255	6161	222 222 223 220 230 230	222	Black, W. C. Stingon, Arthur	Black No.2.	5,55	No. 3	976 976 976	88	នីនី	និនី	818	23 178 178 178 178 178 178 178 178 178 178	40
FRANK COUNTY, KY,	;		1							-									
Compact, Arthur Combs, James M. 1 Ocopor & Dunayay G. G. Co.	No. 3	2 200 E	6761 Harard No. 4  6803 Hazard No. 4  ed in Docket A-1644 as I		276 240 2 276 240 2 Index 6707.	55	225[270]176[170 225[230]176[170	1126 1176 1176 1176 1176 1176 1176 1176	70 Gattiff Coal Co. Strank Goley	James Lawfon Blue Gen		Blue Gem	355 355 365 365 375 375	500 500 500 500 500 500 500 500 500 500	272	2222	252	165 ICO 176 ITO 190 IFS	<u> ಇತ್</u> ವಾ
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No. 6---3

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General prices for high volatile coals in cents per net ton for shipments into all market areas—Supplement T—Continued

coals of certain trict No. 13; and

	Tarana and and and		arriana a commanda	1	. :					The orner of the to account of the	1
						Вазе	Başe sizes			in appearing that a reactions show- ing of necessity has been made for the grouping of temporary relief in the mon-	تەنبەد
Code member index	Mine	olindex No.	a a 1 223 - 72 2470 Gmm.	Lump over 2", eeg		Lump ¾" and under Egg I" x 6", egg I" x 5"	Stove 3" and under, nut 2" and under	Guranim Jagleris	2' and under, clack	ner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above- entitled matter; and The following action being deemed a necessary in order to effectuate the purposes of the Act; It is ordered. That pending final dis-	っぽくはつせいます
		Mir		1	63	3 4	10	Ð	2	position of the above-entitled matter, temporary relief is granted as follows:	co
Subdistrict No. 6—Southern Appalachian—Continued					<u>'</u>					Commencing forthwith, § 333.6 (General Prices) is amended by adding thereto	ਰ≍
SCOTT COUNTY, TENN,										Supplement R-1, § 333.1 (Special prices— (a) Prices for shipment to all railroads	μ
Oross, Charles & James Cham-		2830	Glen Mary	275	255	235 230		225	220 225 175 170	Ī	1
Pemberton, H. F.	H. F. Femberton No.	5821	Glen Mary	276 2	255	235	230	222	220 225 175 170	n amended by adding thereto Supplement R-II. § 333.7 (Special prices—(c) Prices	نڊ پ
Suddistrict No. 7-Virginia										for shipment by railroad, applicable to	O
DICKENSON COUNTY, VA.										all coal sold for steamship vessel fuel)	0
Gibson Coal Co. (George Gibson).	Gibson Coal Co		5811 Lower Banner. 235		202	240 24	240 230	820	235 230 175 170	no is amended by adding thereto Supplement R-III, § 333.24 (General prices) is	-
RUSSELL COUNTY, VA.										amended by adding thereto Supplement	U2 F
Helton & Vance (Ira Helton)	Helton & Vance		2246 Upper Banner	282	365	240	240 234	230	235 230 175 170		4 H
WISE COUNTY, VA.										motive fuel, station heating, power plants	H
Christie Coal Co.		_	Blafr	€	€	<del>.</del>	33	<u> </u>	ē	_	O
Osborne, Tive		5785	Widow Kennedy	8	276	240	260	230	245 230 175 170	_	20
			-	-[	-	-	-	_	-	for snipment oy river (free alongstae)	3

Indicates no classification effective for these size groups. Indicates previously classified these size groups.

[F. B. Doc. 43-355; Filed, January 7, 1943; 11:26 a. m.]

Part 333-Minimum Price Schedule, ORDER GRANTING RELIEF, ETC. [Docket No. A–1760] DISTRICT No. 13

the matter of the petition of District Board No. 13 for the establishment of minimum prices and price classifications Order granting temporary relief and conditionally providing for final relief in

certain coals produced in District No. 13.

Division by the above-named party, requesting the establishment, both temof 1937, having been duly filed with this fications and minimum prices for the An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act porary and permanent, of price classi-

tions to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before It is further ordered, That pleadings in opposition to the original petition in the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. the above-entitled matter and applicaereinafter set forth; and petitions of intervention having necessity has been made for the led with the Division in the abovee following action being deemed sary in order to effectuate the purcertain mines located in Dising of temporary relief in the man-

It is further ordered, That the relief granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No price classifications or minimum prices have been established for the Millie and Moss Hollow Mine of R. C. Gillespie as proposed in the original petition because records of the Division indi-

cate that this producer is not a member of the Bituminous Coal Code.

The petition also proposed a minimum price in the amount of \$3.10 for Size Group 23 (raw screenings) for the New Riceton #5 Mine for truck shipments. In view of the fact that a minimum price of \$2.60 is proposed for the coals of this mine in Size Group 18 (raw screenings) and because of the fact that and that the minimum price intended to be proposed for this coal is \$2.10. A minimum price for Size Group 23 of the New Riceton #5 Mine for truck shipa minimum price of \$2.10 is proposed for comparable coals in Size Group 23 prothe proposed minimum price of \$3.10 for the coals in Size Group 23 of the New Riceton #5 Mine is a typographical error duced at other mines operating in the same county and seam, it appears that ments is accordingly established at \$2.10 tended by adding thereto Supple-R-III, § 333.24 (General prices) is ded by adding thereto Supplement § 333.25 (Special prices—(b) Prices for suspiness, of the formal and all uses (except for railway locomotive fuel) for delivery via the Tennessee tive fuel) for delivery via the fintes River to f. a. s. consumers in the States of Tennessee and Alabama) is amended by adding thereto Supplement R-VI, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I, § 333.43 (General prices in cents per net ton for shipment into all tipment to all railroads for locoe fuel, station heating, power plants other uses) is amended by adding to Supplement R-V, § 333.27 (Prices market areas) is amended by adding thereto Supplement T-II, which suppleshipment by river (free alongside) all uses (except for railway locomo-

DAN H. WHEELER Dated: December 19, 1942.

ments are hereinafter set forth and here-

by made a part hereof.

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TEMPORARY AND CONDITIONALLY PLAND TEFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13 Nors: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

### FOR ALL SHIPMENTS EXCEPT TRUCK

### § 333.6 General prices-Supplement

Prices f. o. b. mines for shipmont by railroad, applicable for all uses except railroad locomotivo fuol, stoamship bunker fuel and blacksmithing

Mino index No.	Oodo momber	Mino	Sub- dis- triot	Бовт	Frolght origin group
	BLOUNT COUNTY, ALA.				
1 16%3 2 1632	Martin, W. F. Reed, John	Self Creek #5	##	Black Greek.	88
	MARION COUNTY, ALA.				
\$ 1647 \$ 1648 \$ 1649	Griot, m. m. Criot, m. m. Criot, m. m.	Wilburn Smith #2 Wilburn Smith #2	ннн	Black Creek Black Creek	
	WALKER COUNTY, ALA				
1021	Naramore, W. A. (Naramore Coal Co.)	New Riceton #2, 3, 4,	П	1 Mt. Carmel	121
1991	Roberts & Early (John C. Roberts)	Roberts & Early	=	Black Greek	ස
	WRISTON COUNTY, ALA.				_
<b>0 167</b> 6	6 1676 Pendley, Carl	Milicione Mit. 610	1	Black Creek	111

1 Shipping Point: Warter, Ala, Railread: L&N. This mina chall have in Size Group 13 on each respective prior to the the came of a chewn thereon for Mine Index No. 1530 (Floyd Ceoper, Ceoper's mine, Minimum Prior Specially, and vell by included in result 12.

2 Elitoping Point: Carbon, Ala. Railread: L&N. This mine chall have in Size Group 25, 22, 23 and 24 on each respective prior halo also form by rich sortice. Leaf in the property of the prior No. 1530 (William Machina, Machina Prior Streethe), and vell in the company of the prior point but without character, Ala. Additional Prior Streethe, Ala. Additional Prior Streethe, Ala. Additional Prior Residual in the company of the prior of Williams Point: Recomery, Ab., Rollreat: St. L.-St. F. Chango in chiepting yeint but without chango in rail-read and Freibit Origin Graup. Stilipping yeilat at Brainmond, A b., that moderate be applicable. Stilipping Februs. Sam, Ab., Raile and Februs. This mine drail have in Stilipping. I., 7, 75, and 23 on earli regretting price chalo the camp refer no are alliced in the acception for graups for this index No. 1415 (W. L. Themes, Dorld Al Mine Minimum Price Febrush) and included in Graup No. 167.

§ 333.7 Special prices—(a) Prices for slipment to all railroads for exclusive use of railroads—Supplement R-II

Prices f. o. h. mines fereblyment to all rallreads and fer exchribe we of rallreads. The following releasing one can for use in minead tecomedives and psweeting plants. Ear fatten heeling, use in diving cars, or after uses than stated above, commercial prices as liked in other receiptors of this price sciedule rhall apply. For all mines in aubdistrict No. 1. For all sixts cure omenty furnitely and for presently for force in

Mino index No.	Central of Ocergia	Senband Alr Lino Ry. 1	Bt. Louis & St. Louis & San Francesco Ran Francesco Ran Le Grean Element west of the Missis shipil liker)	St. Louis & San Francisa R. R. Gorcan signment east of the Missississippi River.	A. B. & O. Rollrand	All other rollrands not specifi- cally chown
1632, 1647, 1649, 1649, 1701	. 022	200	230	513	3 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	250

1 Prices listed for Contral of Georgia and Senboard Air Ling Rallways shall also apply to controlled subsidiaries whoso purchases of coal are directly made by the controlling system.

to all Special prices—(c) Prices for shipment by railroad, applicable sold for steamship vessel fuel—Supplement R-III § 333.7

(Prices f. o. b. minos for shipmont by ralivoad, applicable to all coal sold for steamship bunker tuel subject to price instructions and exceptions

No. Sizo groups and pricos applicable for steamship vessel fuel	11. district No. 1     Mine group.     14, 16, 16, 17, 18     12     13     23       11. 10. 10. 10. 10. 10. 10. 10. 10. 10.
Mine Index No.	Sub-district No. 1

## General prices—Supplement R-IV

Prices f. o. b. mines for shipmont by rallroad, applicable for all uses except raliread locomotive fuel, steamship bunker tuol and blacksmithing

1 1111	LILL	<b>.</b>	LULIU	<b>X C J</b>
Freight origin group		200	210 169 169	210
Scam	• !	No. 7	Sowanco Sowanco Fina 63	Sowance.
Sub- dis- trict		n	നനന	e .
Mine	-	Crooks	Caln & Henry Bres. No. 2	Simmons #2
Godo mombor	HAMILTON COUNTY, TENN,	Orooks, Jos. 21Anion County, Tenn.	Galn, Gco, D Henry Bres, (Clatenes Henry) Rehardean, Jes	Simmens, N. E.
Mino Index No.		1691	3 1699 3 1699 4 1698	1632

• Shipping Point: Rathburn, Tonn. Rallread: Son. Ry. On each respective price table this mino chall have in each class growth the came expective price as blaced for Minibuth Index No. 63 (C. B. Alexander, Alexander mine, Minibuth Price Schedule), and will be included in Group 4.

Shipping Point: Plat Edding, North Chaldrason, Tonn. Rallread: Chaldrason Araction Charges R. R. On cach respective price table this mine chall have in cach respective price as 6 little for Minibuth Index No. 71 (Equatoria) cach is present to a fittle for Minibuth Index No. 71 (C. C. Scholardia), and will be included in Group 1.

Shipping Point Dunialo, Tenn. Rollread: N. O. & Sill. On cach respective price able this mine chall be will be read for the cach respective price and cach mine. Minibuth Index No. 714 (C. L. Growth, Golecth mine.) Minibuth Index No. 714 (C. L. Growth, Golecth mine.) Minibuth Index No. 714 (C. L. Growth, Golecth mine.) Minibuth Index No. 714 (C. L. Growth, Golecth mine.) Minibuth Index No. 714 (C. L. Growth, Golecth mine.) Minibuth Index No. 714 (C. L. Growth, Golecth Minibuth, Minibuth Index No. 714 (C. L. Growth, Golecth Minibuth, Minibuth Index No. 714 (C. L. Growth, Golecth, Golecth Minibuth, Minibuth Index No. 714 (C. L. Growth, Golecth, Minibuth, Minibuth,

Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses.—Supplement R-V (Prices fo.b. mines for chipment to all railreads for lecomotivo fuel, ctation heating, power plants and other uses]

Prico	232
SI20	For all sixes except ferenings. Sereculags with top cize not more than 29,
For mines in cub- district No. 3	Mino index number: 1639, 1631, 1632, 1633, 1762,

§ 333.27 Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama—Supplement R-VI

,	•	°. FEDERAL
Industrial coal	15	88888
bns "%" :23nine913B rebnu	14	195 195 195 195 196
bas "½" syninesre rebau	13	88888
Sereenings: 1½" and rebnu	12	82222
Screenings: 11/2" and under	#	88888
Sereenings: 2" and	ន	ន្តន្តន្តន្ត
Resultants: 4" and under	c	265 265 265 265 265 265 265 265 265 265
Resultants: 5" and under	8	28888 88888
befilbom bus tagisrtZ A/M	2	288 288 288 288 288 288 288 288 288 288
Stoker: 'Top size ¾'' and under; bottom size ¾'' and under	9	22 22 22 22 22 22 22 22 22 22 22 22 22
Stoker: Top size 11%" and under; bottom size 1%" and under	25	ଷ୍ଟିଷ୍ଟିଷ୍ଟିଷ୍ଟି
Nut: Top size 2" and under; bottom size I" and under	4	88888
Lump: 2" and under	3	33333 33333 64445 64445
Egg: Top size 5" and under; bottom size 2" and under	61	32555 455555
Lump: Over 2". Egg:	H	345 345 345 345 345
Scam		Sewanee No. 7 Sewanee Etna #3 Sewanee
County		Marion Marion Marion Marion
Mine Index No.		1702 1691 1699 1688 1692
Mine		Cain #1 Crooks Honry Bros.#2 Tommy #1.
Code member index	٥	TENNESSEE-GEORGIA  Subdistrict No. 6 Cain, Geo. D. Crooks, Joo. Houry Bros. (Clarence Honry) Richardson, Joo. Richardson, No. E.

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I FOR TRUCK SHIPMENTS

	Indus- trial (3)		24, 25, 26	, , ,		302	ı g	315		260	,	330		ಜ್ಞನ್ನ		320
		Raw	8			246		ន្តន្ត		210		202		255 210		255
	Screenings: 1½" and under	Wash	81			220		292		260		292	-	888		235
	ants: under	Raw	52			255		232		g	,	293		88		235
	Resultants: 3" and under	Wash	17			280		305		202		302		305 265		302
,	Run of mino, modi- fied R/M	Raw	13		•	302	,	315		260		320		320		320
	Chestnut: Top size 1½" and under, bottom size	Raw	Ħ			302		316 315		280		န္တ		88		စ္ထ
		Wash	ន			330		325		300		340		<del>8</del> 8		340
	Chestaut: Top size 3" and under, bottom size	Raw	6			320		888		i		엻		2833		gg
	Chest Top si and ui botton ½" and	Wash	∞			345		340				345		350		345
	p size inder, i size	Raw	~			345	-	355		302		345		302		345
	Nut: Top size 3" and under, bottom size over ½"	Wash	.0			305		375 375		323		365		365		365
	Lump: 2" and under	•	,,			370		370		302		330		808 805		330
	Egg: Top size 6" and	Japan	63			395		38.8		310		415		305		415
	Lump: over 2". Egg: Top size	o ver o	1			395		385		310		416	-	305		415
	Seam		~~			Youngblood		Black Creek		Upper Nunnally		Black Creek		Black Creek		Black Creek
	Sub-	triot				63		6161		61		<b>C1</b>		6161		61
	Mine Index	_			-	1695		1683		1703		1671		1639	`,	1676
	Mino					Persimmon		Self Greek #5Fannie Furst		N. E. Keef #2		Colburn's #7.	•	Tucker #11 New Riceton #2, 3, 4, 5	 8	Millstone Mt. #10
	• Oode member index		• •	АТАВАИА	ывы солит	Evans, David S	BLOUNT COUNTY	Martin, W. F. Quick, L. O. & M. T Doss (L. O. Quick)	JEFFERSON COUNTY	Keel, N. E.	MARION COUNTY	Burks & Dykes (Clyde Burks)	WALKER COUNTY	Hannon & Ivy (D. B. Hannon).  Naramore, W. A. (Naramore Coal Company) New Riceton £2, 3, 4, 5	WINSTON COUNTY	Pendley, Carl

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Screenings: 3% and reban	14		180	5555	
Screenings: 34" and reduings: 34"	13		- 8	និនិនិនិ	
Screenings: 11%" and under	12		225	2222	
bns "%! :zzainssrz2 -rsbnu	11		235	, REES	
Screenings: 2" and under	10		335	ន្តន្តន្តន	
Resultants: 4" and under	0		292	55555 5555 5555 5555 5555 5555 5555 5555	
Resultants: 5" and under	æ		265	25555 25555 25555 25555 25555 25555 25555 25555 255 255	
Straight and modi- fled M/K	7		265	22222	
"% esis qoT :191622 mottod; tehnu bas tehnu bas "% esis	Ð		83	275 275 275 275	٠
Stoker: Top size 1%" and under; bottom and under; bottom	22	,	S S	- 	
Nut: Top size 2" and under; bottom size I" and under	¥		- 30 	ରିଟିଟିଟି 	
Lump: 2'' and under	က		332	8888	
Egg: Top size 5" and under; bottom size 2" and under	2		345	3333	
Lump: Over 2". Egg: Tog size over 5"	1		346	2222	
1	į				
Soam			No. 7	Wanco Wanco Wanco	
	-			8858	
-tohtsibd	ng		~ <del>~</del>	শক্ষ	
Mino Index No.			1691	1702 1630 1688 1692	
Mino			Orooka	Caln B. Henry Bros. 62. Tommy 91. Simmons 62.	3.6.
Codo mombor Index		Tennessee-Géorgia	Hameron county, tenn. Crooks, Joo	Coln, Geo. D. Cincuro Henry)  Homy Bros. (Cincuro Henry)  Richtekton, Joo.  Simmons, N. E.	1 For sizes included ces Sizs Group Table § 333.6.

The following action being deemed necessary in order to effectuate the purposes F. R. Doc. 43-352; Filed, January 7, 1043; 11:25 a. m.]

temporary relief is granted as follows: Commencing forthwith § 333.6 (General prices) is amended by adding thereto Supplement R-I, and § 333.7 (Special prices—(a) Prices for shipment to all railroads, and for exclusive use of railroads) is amended by adding thereto Supplement R-II, which supplements It is ordered, That, pending final disposition of the above-entitled matter, are hereinafter set forth and hereby made a part hereof of the Act;

It is further ordered, That pleadings in opposition to the original petition in

temporary, committee and transfer may the filled with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations of Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to seet tion 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered. tions to stay, terminate or modify the the above-entitled matter and applica-

DAN H. WHEELER

dex No. 1709), and requesting change in chipping point for the Spradling Hollow Mine (Mine Index No. 109);
It appearing that a reasonable showing of necessity has been made for the rary and permanent, of price classifica-tions and minimum prices for the coals of the Udora #1 Mine (Mine Index No. 1706) and the Udora #2 Mine (Mine Inof 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both tempo-Coal Company, a code member in Djatrict No. 13, for the establishment of price classifications and minimum prices for the Udora #1 Mine (Mine Index No. 1700) and the Udora #2 Mine (Mine Index No. 1700) and for change in shipping point of the Spradling Hollow Mine (Mine Index No. 189). Order granting temporary relief and conditionally providing for final relief in the matter of the petition of Tombrello Part 333—Minimum Price Schedule, ORDER GRANTENG RELIEF, ETC. [Docket No. A-1765] DISTRICT NO. 13

An original petition, pursuant to section 4 H (d) of the Bituminous Coal Act

ner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and

granting of temporary relief in the man-

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

### FOR ALL SHIPMENTS EXCEPT TRUCK

### § 333.6 General prices—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub- dis- triet	Seam	Freight origin group
1 1706 2 1709 3 199	JEFFERSON COUNTY, ALA. Tombrello Coal Company Tombrello Coal Company Tombrello Coal Co., Inc.	Udora #1 Udora #2 Spradling Hollow	1	Nickel Plate Pratt	31 81 31

¹ Shipping Point: Udora, Ala. Railroad: L&N. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 199 (Tombrello Coal Company, Inc., Spradling Hollow Mine, Minimum Price Schedule), and will be included in Group 175.
² Shipping Point: Udora, Ala. Railroad: L&N. On each respective price table this mine shall have in each size group the same respective price as is listed for Mine Index No. 381 (Tombrello Coal Company, Inc., Tombrello Mine, Minimum Price Schedule), and will be included in Group 165.
³ Shipping Point: Udora, Ala. Railroad: L&N. Change in shipping point, railroad and freight origin group. Shipping point at Cardiff, Ala., on Southern Railway in freight origin group 50 shall no longer be applicable.

### § 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply.]

For all mines in Subdistrict N	o. 1	For all	sizes customarily	furnished railro	ads for locom	otive fuel
Mine index No.	Central <sup>1</sup> of Georgia	Seaboard¹ Air Line Railway	St. Louis & San Francisco R. R. (for con- signment west of the Missis- sippi River)	St. Louis & San Francisco R. R. (for con- signment east of the Missis- sippi River)	A. B. & C. Railroad	All other railroads not specifically shown
1706, 1709	250	250	230	250		250

<sup>1</sup> Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

[F. R. Doc. 43-356; Filed, January 7, 1943; 11:27 a. m.]

### [Docket No. A-1759]

### PART 334--Minimum Price Schedule. DISTRICT No. 14

### ORDER GRANTING RELIEF, ETC.

Memorandum opinion and order granting temporary relief and conditionally providing for final relief in the matter of the petition of the Kistler Coal Company, code member in District No. 14, for revision of certain price classifications and minimum prices for coals produced from the Rock Island Mine.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division by the above-named party requesting revision of the price classifications and minimum prices for the coals in Size Gorups Nos. 4, 6, 7, 8, 9, and 18, produced from the Rock Island Mine, Mine Index No. 203, of the Kistler Coal Company, located in Subdistrict No. 6 of District No. 14, for shipments by both rail and

Petitioner alleges that the price classifications and minimum prices heretofore established and currently in effect for the coals of its Rock Island Mine in

Size Groups Nos. 4, 6, 7, 8, 9, and 18, do not reflect the relative market values of such coals for the reason that at the time the coals in question were originally classified and priced in Dockets Nos. A-928 and A-928 Part II, petitioner's mine was in the process of development and approximated but 300 feet in depth, with the result that the coal produced therefrom was inferior in quality to the so-called A Grade coals produced in the Excelsior field in District No. 14. Petitioner further alleges that the depth of its Rock Island Mine now approximates 1100 feet and that the coals currently being produced therefrom are comparable both physically and analytically with the A Grade coals produced from competing mines in the Excelsior field.

In support of its allegation to the effect that the coals of its Rock Island Mine are presently comparable to the coals produced from other A Grade mines in the Excelsior field, petitioner, for the purpose of comparison, submits an analysis of the lump coals produced from its Rock Island Mine and a composite analysis of the lump coals produced from Mine Index Nos. 13, 33, 89 and 144,

which mines are classified as A Grade mines and are located in the Excelsior field in District No. 14.

In support of its allegation that the coals produced from its Rock Island Mine are comparable in hardness and in physical characteristics to the coals produced from A Grade mines in the Excelsior field, petitioner submits reports of drop shatter tests conducted upon 8" x 3" egg coal produced from its Rock Island Mine, and upon similar size coals produced from Mine Index Nos. 13, 33, 89 and 144, the A Grade mines referred to above.

No petitions of intervention have been filed with the Division in the above-entitled matter.

From the facts alleged in the original petition in this matter it appears that a reasonable showing of necessity has been made for the granting of temporary relief and that, pending final disposition of this proceeding, interested persons will not be prejudiced by the granting of such temporary relief in the manner hereinafter set forth.

Now, therefore, it is ordered, That, pending final disposition of the aboveentitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 334.5 (Alphabetical list of code members) and § 334.24 (General prices for shipment into all market areas) in the Schedules of Effective Minimum Prices for District No. 14 For All Shipments Except Truck and For Truck Shipments are supplemented to include, for the coals of the Rock Island Mine, Mine Index No. 203, of the Kistler Coal Company, in Size Groups Nos. 4, 6, 7, 8, 9, and 18, the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T annexed hereto and hereby made a part hereof.

It is further ordered, That the price classifications and minimum prices heretofore established in Dockets Nos. A-928 and A-928 Part II, 6 F.R. 3944 and 6 F.R. 6183, respectively, for the coals of the Rock Island Mine, Mine Index No. 203, of the Kistler Coal Company, in Size Groups Nos. 4, 6, 7, 8, 9, and 18, for all shipments except truck, and for truck shipments, be, and they hereby are, withdrawn and terminated as of the date of this order.

It is further ordered. That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order unless is shall otherwise be ordered.

Dated: December 26, 1942.

[SEAL] DAN H. WHEELER. Director.

# TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

Nors: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

### FOR ALL SHIPMENTS EXCEPT TRUCK

# § 334.5 Alphabetical list of code members-Supplement R.

(Alphabetical list of code members showing price classification by size group for all uses except rallread locomotive fuel

				the second secon																	-				
Godo mambos	Mino	Mino nomo	Sub-	Shinning noint	Toolleand	Freight origin					•		Pr	Price classification by size group	sifical	lon by	sizo g	roup							-
,	No.		No.	amod shindding	,	group No.	-	2	က	4	2	0	7	8	1	10 11 12 13 14 15 10	12	13	11	35	16	17	<b>\$</b>	10	ន
Kistler Coal Company c'o R. P. 203 Rock Island	\$03 }	Rock Island	-	(Rock Island 1	MV	18	€	(‡) (‡) (‡)	€	, A	€	ы	Ħ	A	<b>⊕</b>	٥	€	ႄ	0 0 0 0	€	ε	ε	2	€	€

<sup>1</sup> Correction in shipping point. Excelsior, Ark, and Ft. Smith, Ark., shall not longer apply for this mine. The Division has been advised that Excelsior, Ark. and Ft. Smith, Ark., heretofore shown as the rail shipping points for this mine, are the railread billing points whereas the coal of this mine is actually leaded for rail shipment at Rock Island, Oklahome.

Proviously classified for these size groups. No changes requested,
 Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

### General prices for shipment into all market areas-Supplement T \$ 334,24

(Prices in cents per net ton for shipment into all market areas)

	ន	€
	22	€
	18	375
	17	ε
	16	<u>ω</u> ω
	16	ε
	14	ε
2	8 0 10 11 12 13 14 15 16 17 18 19 20	0 0 0
rices and size group numbers	12	ε
u dno	11	ε
izo gr	9	€
and a	6	\$
Prices	8	475
	7	226
	9	475
	13	€
	4	475
	က	€
	63	(t) (t) (2t) (3t) (3t) (2t) (2t) (3t) (3t) (3t) (3t) (3t) (3t) (3t) (3
	п	€
2000		6 Le Flere, Oklahema
Sub-		
After nome		213 Rock Island
Mino	No.	
Gode member		Kistler Coal Company c/o R. P. Kistler

Proviously priced for these size proups. No changes requested.
 Indicates no classification effective for these size groups.

[F. R. Doc. 43-367; Filed, January 7, 1943; 11:27 a. m.]

Subchapter B-Director General for Operations Chapter IX-War Production Board TITLE 32—NATIONAL DEFENSE PART 1010—SUSPENSION ORDERS Surpencion Order S-209

GTAR COPPER CO.

Peter Rubinelli, d/b/a Star Coffce Company, St. Louis, Miscouri, is a roaster of coffce as defined in Conservation Order M-135. From April 28 to June 30, 1942, said Peter Rubinelli sold a substantial quantity of roasted coffee in excess of the quota permitted under the terms of Supplementary Conservation Order M-135-c. Furthermore, Peter Rubinelli accepted delivery of green coffee at a time when his inventory thereof

exceeded a two months' supply in violation of Conservation Order Ma-135.

These violations of Conservation Order Ma-135 have hampered and impeded the war effort of the United States. In view of the foregoing, It is hereby ordered,

§ 1010.200 Suzarnston Order S-209.

(a) During each of the calendar months from January 1943 through and including June 1943 deliveries of coffee by Peter Rubinelli, individually, or doing business as Star Coffee Company or otherwise, shall not exceed 10,600 pounds, except as specifically authorized by the Director General for Operations.

(b) The restrictions contained in paragraph (a) hercof shall not apply to deliveries by Peter Rubinelli, individually, or doing business as Star Coffee Company or otherwise, to any hospital, asylum, orphanage, pilson, or other similar institution which is operated by any United States federal, state, or local governmental agency and which received coffee during 1941 under contracts

co) Nothing contained in this order shall be deemed to relieve Peter Rubinelli, individually, or doing business as Star Coffee Company or otherwise, from any restriction, prohibition, or provision contained in any other order or regula-

tion of the Director of Industry Operations, except in so far as the same may be inconsistent with the provisions hereof.

6680; 8024, Eav Pub. (P.D. Ref. 1, as amended, 6 F.R. 668 W.P.B. Ref. 1, 7 F.R. 561; E.O. 907 7 F.R. 329; E.O. 9040, 7 F.R. 527; E. 9125, 7 F.R. 2719; ccc. 2 (a), Pub. La 671, 76th Cong., as amended by Pu Laws 89 and 507, 77th Cong.)

Lesued this 7th day of January 1943. Enurst Kanzler,

F. R. Dog. 43-396; Flicd, January 7, 1943; Director General for Operations. 3:30 p. m.] Part 940—Rudder and Balata and Products and Materials of Which Rudder on Balata Is a Confonent

Amendment 1 to Supplementary O M-15-b, as Amended Dec. 28, 1943]

Section 940.3 Supplementary Order M-15-b is amended by changing para-

Reports covering the consumption of crude rubber, later, reclaimed rubber and gerap rubber to fill war orders shall be pursuant to the requirements of para-graph (c) (24) of this Supplementary (11) Reports covering war orders. graph (c) (11) thereof to read as follows: filed monthly on Form PD–49, as revised Order No. M-15-b.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 661; E.O. 6024, 7 F.R. 329; E. O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2710; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Director General for Operations, Issued this 8th day of January 1943.

[F. R. Doc. 43-430; Filed, January 8, 1943;

PART 1293-HAND TOOLS SIMPLIFICATION [Schedule V to Limitation Order L-157]

HAND FORKS, HAND HOOKS, HAND RAKES. HAND HOES, HAND EYE HOES AND HAND CULTIVATORS.

§ 1293.6 Schedule V to Limitation Order L-157-(a) Definitions: For the purpose of this schedule:

(1) "Producer" means any person who manufactures, stamps, forges or other-wise fabricates hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators.

(2) "Hand cultivator" means a tined hoe or rake designed for manual operation. Hand cultivator shall not include

a hand wheel cultivator.

(b) Simplified practices. Pursuant to Order L-157, the kinds, grades, styles, sizes, weights, and finishes set forth in Appendix A and Tables 1 through 6 of this schedule are established for the manufacture, stamping, forging or fabricating of hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, and hand cultivators.

(c) Effective date of simplified prac-ces. On and after the 8th day of tices. April 1943, no producer shall put in process any steel for the purpose of manufacturing, stamping, forging or otherwise fabricating hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators other than such forks, hooks, rakes, hoes, eye hoes or cultivators as conform to the kinds, grades, styles, sizes, weights and finishes as establihed by paragraph (b) and Appendix A, Table 1 through Table 6 of this schedule. On and after the 8th day of May 1943, no producer shall manufacture, stamp, forge, or fabricate a hand fork, hand hook, hand rake, hand hoe, hand eye hoe or hand cultivator not conforming to the kinds, grades, styles, sizes, weights and finishes established in paragraph (b), and Appendix A, Table 1 through Table 6 of this schedule, except with the express permission of the Director General for Operations.

(d) Records. Each producer of hand forks, hand hooks, hand rakes, hand hoes, hand eye hoes, or hand cultivators shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time require.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943. ERNEST KANZLER.

Director General for Operations.

APPENDIX A-EXPLANATIONS AND LIMITATIONS

(1) Grades. A, B, and C designate qualities of complete tools; A designating the best quality. Limitations applying to quality are given separately at the foot of each table. Handle grades A, B, and C are defined in Simplified Practice Recommendation R76-40, Ash Handles, issued by the National Bureau of Standards, United States Department of Commerce. Handle grade requirements shall not

be construed as prohibiting the substitution for ash of other suitable species of wood having characteristics as nearly comparable as possible to the respective grades of ash for which they are substituted, provided all handles other than ash be marked with the name of the species of wood of which they were made.

(2) Finishes. Except where otherwise stated, blades and tines shall be natural finish, i. e., dipped in their natural state (except that they may be wire brushed to remove scale or rust) in paint, enamel, lacquer, or other protective coating. Wood handles shall be finished so that the grain of the wood

is plainly visible.
(3) Material. No alloy steels shall be used in the construction of any tool listed in Table

1 through Table 6.

(4) Tolerances. Dimensions and weights given herein are subject to commercial toler-

TABLE 1.-FORKS

	ď			Tines		l of	be- tines		19.00°
Kind	Grades	No.	Length	Shape	Finish	Spread points ( prox.)	Space tween t	Handle lengths b	Welzht dezen prox.)
LIGHT FORKS									
Barley, with or without bails and braces	A, B (A, B	4	In. 18	Oval	Polished	In. 14½ 71/	In.	(4-5½ lt 31 ln. DT. 3½-6 lt	Lbs. 4 • 50 • 57 4 35
Hay, regular 3-tine. Header, round shouldered	(0	3	12	do	Black	71/4	******	4-0 ft	4 33
Manure, regular pattern:	A, B	4	15		Polished			4-51/3 16	1 ~
4-tine	JA, B	4		do	Black	91/4 91/4		(4 & 4)/4 (t (32 in. DT (4 & 4)/4 (t	. 1 40
	( A D	5			Polished	/ -	3	32 in. DT. 4 & 4½ it. 32 in. DT.	39 441 43
5-tine	{ c	5	12-121/2	do	Black	91/2		[4 & 436 ft     32 in DT	43
Light pattern	,	4		Angular back	Polished face, tumbled back i	}		30 in. DT.	67-69 65-66 62
Heavy pattern	A, B	4	11	do	do			(30 in. DT.	čő
HEAVY FORKS		_	,	<b>7</b>	mtte	1017 1417	2 21/	00 1: 70:00	
Beet, scoop shaped, with ball pointed tines.	A	7	161/2		Black				
Coal, scoop shaped	A	110 112 114	15or16 16 15or16	do	do do	13½-14 15-16 14	11/4 1 8/4	1-30 fa. DT	. 94
Coke fork	A	{10 12	17 17	Diamond	Blackdo	14½-15 17½-18	1), 1), 1), 1),	30 in. DT. 30 in. DT.	107
Cotton seed, scoop shaped.	A	10	16-17 16	ļ	do	14 12¾-13	l .		1
Ensilage, barn, or kaffir corn, regu- lar pattern, out- side tines turned	A	{10°	16	do	do	15	196-11/4 11/2	30 in. DT.	์ ชื่อ
up. Mill, manure, street, or pulp.	A	4 (8	15 131/3		Half-polished		2½-2¾ 1¼		
Stone, ballast, or gravel.	A	10	131/2 131/2	do	Blackdo	101/2 81/2 91/2-93/4 12-121/2	11/4 2/4 3/4	30 in. DT. 30 in. DT. 30 in. DT.	80 80
Vegetable, scoop shaped, with flat- tened points.	A	114 10	15½-16	Oval	do	12-12/2	11/4	30 in. DT.	

<sup>•</sup> Grade A forks shall have grade A handles; grade B forks, grade B handles; and grade O forks, grade C handles. All handles shall be of the bent type, except those of hay forks, which may be either straight or bent type. These identified by the initials DT shall be D-top handles. The longest handle length listed is the maximum for the fork to which it applies. Where a range is given it indicates the commercial practice of furnishing long handles in 6-inch increments, including the shortest and longest listed, e.g., 4-5½ ft. means 4, 4½, 6, and 6½ foot handles. Handles are not required to conform to the listed sizes, but shall not exceed the maximum length listed.

•The approximate weight per dozen is given for the highest grade listed. It is intended only to fix within reasonable limits the weight of the fork proper.

• With 4½ foot handles.

• Including balls and braces.

• Grade B spading forks to have tines half polished on face, tumbled back.

TABLE 2.-HOOKS

W1-3	Grades			Tines		Width	Maxi-	Approx.
. Kind	(a)	No.	Length	Shape	Finish	points	handle lengths	dozen b
Manure, garbage, or refuse Phosphate Potato: Gooseneck pattern Southern or broad oval: Light pattern Heavy pattern Stone	A, B A, B A, B A, B	4 4 5 4 4 4	In. 8¾-9 11 7 6¼-6¾ 9-9¾	OvalFlat RoundBroad ovaldoDiamond back.	Half-polished Tumbleddodododododo	In. 8½-9 6¼-6½ 6½-6½ 7-7½ 734-8	0 4}6	

a Grade A hooks shall have grade A handles; grade B hooks shall have grade B handles. b Weight is for best grade listed, with handle of length listed.

### TABLE 3.-RAKES

### [All rates thall to made only in natural Enich]

		Num-		неол		Mani-	Weight pirdir-
Kind	Grade •	teeth	Wilth	Thick- cour	Depth	legih či berilo	CON (CO)-
Level head, general purpose; straight and curved teeth	A. B. A.	14 14 14 14 14 14 6	In. 1176 1471 1672-1576 1672-1576 1672-1776 12	10.	In. 55 2 4 5 5 2 5 2 5 2 5 2 5 2 5 2 5 2 5	1 4	Prunds 25 25 25 25 25 25 25 25 25 25 25 25 25

• A grade rakes shall have A grade handles; B grade rakes, B grade handles; and C grade rakes, C grade handles.
• Weight is for highest grade listed, with handle of length listed.
• With 436-foot handle.

### TABLE 4.-HOES

		Constru	iction	Blas	ಯಣಿ	Mexi-	Weight
Kind	Grades *	Ecclict typob	tetop group	Width	Depth (greatest)		(chlaser). gesen
Cotton: Chopper, straight shank Regular gooseneck Field and garden, regular d	А, С А, С А.В.С	Nono Nono Mo	35 35 278	In. 8 0 7	In. 4	rs. 00 00 13	Fourth St.
Field and garden, riveted d Mattock hos "Dig Exy" pattern, two blades in the same plane.	O	None None		13:43	12%	ľ	22-21 24
Mortar, perforated and plain blode Scuille, heavy duty or railroad Southern mondow or blockland		Nona Nona Iio	X 3fc	10 10 8-51:2 8	6 6-6 4-4	88888	#40% #40% 40 43 •31 •62
Equare top:  Regular or sugar beet pattern  Renewable blade sugar beet or onion pattern.  Begular onion	AAA	X X No	1	7 7 7 635	616 616 171 171	15 54	27 113 23 21

\* Grade A hors shall have grade A handles; grade B, grade B handles; and grade C, grade C handles. The blaim of grade A and grade B hose shall be poliched front and back; the kiedes of grade C handles front front and back for the first third of their height. Scuille and matteck beauteful to make only in natural links.

\* The dimensions given are the diameters of the thenks in licebes. "X" means no dimension is specified. "Money means no hose to be made in such construction type.

\* Weight per dozen is that for highest grade licted, with handle of length licted.

d Blade may be attached to shank by riveting or any other cathefaction; method.

Weight of seeket type.

\* Maximum.

\* Plain blade; perfected blade approximately one pound lighter per desca.

### TABLE 5.—CYC HOES

### [To be made in natural finish except for lower 35 which shall be poliched]

Kind a	Width of	Depth of blode	Maxi- com legiber bendle	Apprex. weight for distan
Planter's: American pattern, unhandled	In. 67		In. 58 58	Pounds 13 21 14 to 17 15 to 19 18 to 20 19 to 30
EQUARE EYE HOLD  Garden or field pattern, handled	{ d 0 73/2	e Ct	. C1	ឯពន

<sup>\*</sup> Bye hose are described handled or unhandled eccerding to the condition in which they are executive self by the producers. They may be distributed in either condition or both.

b Without handles.

### TABLE 6.-HAND CULTIVATORS

Kind	Grade *	Number of points	Maximum spread	Maximum length of handle	Approx. weight per dozen
Four-ting regular pattern, forged, curved oval	A	4	In.	In. 52	Pounds 22
tines. Four-tine wire spring type. Three-tine regular pattern, or equipped with U-Shaped cultivating blade.	A, B	4 8	5 41⁄3	48 54	20-30 20-22
Flat-wire type	A. B	6 5	7 6½-7½	48 60	23 30–37
U-shaped cultivators, with straplike blades approximately 1½" wide, having sharpened cdges and equipped with one or two shares:  One share pattern.  Two share pattern.	A	Depth In. 4½ 4½		60	30 35

Grade A cultivators shall have grade A handles; grade B cultivators shall have grade B handles.
 The three-time pattern shall not be made by any producer who elects to make a four-time pattern cultivator.
 Prongs shall not exceed 1/4-inch square in size, or its equivalent.

[F. R. Doc. 43-426; Filed, January 8, 1943; 11:37 a. m.]

PART 3096-PAPER AND PAPERBOARD [General Conservation Order M-241 as Amended Jan. 8, 1943]

Section 3096.1 General Conservation Order M-241, as amended, is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of various materials and facilities required in the manufacture and distribution of paper and paperboard; and the following order is deemed necessary in the public interest and to promote the national defense:

§ 3096.1 General Conservation Order M-241—(a) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) Definitions. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of per-

sons whether incorporated or not.
(2) "Produce" includes all operations connected with the production of paper and paperboard, including operations in the finishing room and packaging, but does not include processes or operations applied to paper and paperboard after the primary papermaking, such as printing, waxing, gumming, coating, bag manufacture, cup manufacture and envelope manufacture, box and container manufacture, and the fabrication of paper into paper articles.

(3) "Mill" means a congregation of pulp preparation and roll and sheet finishing equipment, paper machines and subsidiary facilities located and operated together as a single producing unit for the production of paper and paperboard.
(4) "Base Period" means the six month

period from October 1, 1941 through March 31, 1942.

(5) "Paper merchant" means any person regularly engaged in the business of buying and reselling paper and/or paperboard.

Restrictions on production of paper and paperboard. (1) Unless specifically authorized by the Director General for Operations pursuant to subparagraph (5) of this paragraph (c), no person or persons shall produce paper or paperboard in any mill which has not produced paper or paperboard since August 1, 1942.

(2) Each manufacturer of paper and/ or paperboard shall for each mill operated by him determine quarterly a production quota, calculated as follows:

(i) Determine, separately for each class of paper and paperboard on List A, the quantity thereof produced at such mill during the period from October 1, 1941 through March 31, 1942;

(ii) Subtract from the result for each class the quantity produced at such mill during such period of each of the grades of paper or paperboard on List B falling within such class;

(iii) Multiply the remainder for each class by percentage figure set opposite the particular class on List A:

(iv) Add together the several tonnages obtained by (iii), and divide by two.

The quantities shall be measured, to the nearest ton, in tonnage delivered from the paper machine. The method and basis for determining such tonnage shall be that method and basis followed at the particular mill in the past, or any other practicable method and basis, provided the same method and basis are used to determine both current production and production during the base period. If any machine unit of any mill was shut down during the base period for as much as 72 consecutive hours, excluding vacations and holidays, there may be added to (i) for such mill for the class of paper or paperboard principally produced on such machine unit, whatever quantity thereof could have been produced on such machine unit during the down time at the average rate of operation during the preceding month.

The Director General may from time to time by amendment change the classification and/or percentages on List A or change List B, specifying a particular date for the change to take effect. Quotas for production after any such date shall be calculated according to Lists A and

B as amended, until further amended. If the effective date of any such amendment is other than the first day of a calendar quarter, the quota for the quarter within which such date falls shall be recalculated by adding together (i) the proportion of the old quota which equals the proportion of the quarter preceding such date and (ii) the proportion of the new quota which equals the proportion of the quarter following such

date, including such date.
(3) No person or persons shall during the first calendar quarter of 1943 or any calendar quarter thereafter produce at any mill any quantity of paper and/or paperboard in excess of the quota for such mill for such quarter determined according to subparagraph (2) of this

paragraph (c), except:

(i) To the extent and upon the conditions stated in subparagraph (4) of this paragraph (c); or

(ii) To the extent specifically authorized by the Director General for Operations pursuant to paragraph (5) (c) of this order, subject to any conditions imposed by the Director General for Operations in such authorization: and Provided, That,

(i) Within such quota there may be produced at any mill any quantities of any one or several kinds of paper and/or paperboard, provided that the aggregate during any quarter does not exceed such mill's quota for that quarter; and

(ii) Regardless of and over and beyond any such quota, any person may produce at any mill, unless restricted by paragraph (c) (1) or by paragraph (e), any quantity of any kind of paper on List B.

(4) If one person owns only one mill, and such mill is equipped with only one machine unit for the manufacture of paper and/or paperboard, such person may, unless restricted by paragraph (c) (1) or by paragraph (e), produce at such mill during any calendar week any quantity of paper and/or paperboard required to occupy such machine 120 hours during such week: Provided, That such person shall in no other week during the same calendar quarter operate such mill in excess of 120 hours.

(5) If any person owns more than one mill, and can show that by combining or exchanging the several quotas of such mills, or parts thereof, significant quantities of critical materials will be saved, transportation reduced, labor released in areas where needed, or other materials or facilities required in the national defense conserved, he may submit to the Director General for Operations, in writing, a plan for such combination or exchange, stating the quantity and kinds of paper and/or paperboard produced at each mill involved during each month of the year from October 1, 1941 through September 30, 1942, the quantity and kinds of paper expected to be produced at each such mill during each quarter under such plan, how long he proposes to operate under such plan, his reasons for desiring to adopt such plan, and the respects wherein he conceives that such plan will accomplish the purposes mentioned.

The Director General for Operations may thereupon approve, modify, or disapprove such plan or may impose upon the execution of any such plan whatever conditions he may deem appropriate to this order. Upon receipt from the Director General for Operations of approval in writing of such a plan the proponent may produce at the mills designated in such plan the quantities and kinds of paper and/or paperboard provided for in such plan, subject to any modifications or conditions imposed by the Director General for Operations in his approval. No person shall undertake or attempt to carry into effect any such plan unless and until he receives

such approval.

(d) Reserve production. Each manufacturer of paper and/or paperboard shall reserve in the production schedule of each of his mills for the month of January, 1943, and for each calendar month thereafter, time and supplies sufficient to produce and deliver within such month, at the order of the Director General for Operations, 2% of such mill's quota for the current calendar quarter. In general this should amount to approximately 6% of each month's production. The Director General for Operations may on or before the 15th of any month, by telegram or letter, direct any manufacturer to employ such reserve to produce any kind of paper and/or paperboard usually produced at such mill, and any quantity thereof, not to exceed in the aggregate for any one month 2% of such mill's quota for the current quarter, and sell and deliver the same within the month to any person named by the Director General for Operations. The manufacturer may refuse so to produce and deliver only for the reasons specified for the refusal of rated orders in § 944.2 (b) of Priorities Regulation No. 1. If the manufacturer does not on or before the 15th of any month receive from the Director General for Operations directions as to the disposition of such reserve (or has received directions as to the disposition of a part but not of the remainder) he may employ the same or such remainder) as he may desire, consistent with the other provisions of this order.

(e) Restrictions on inventory. Unless specifically authorized by the Director General, by telegram or letter, or ex-

cepted by paragraph (e) (5):

(1) No person shall knowingly deliver, and no person shall accept delivery of any quantity of newsprint, if the inventory of newsprint in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than seventy five days' supply, on the basis of either his average rate of consuming newsprint for the preceding quarter or his average rate of consuming newsprint as projected for the then current quarter:

(2) No person except a paper merchant shall knowingly deliver, and no person except a paper merchant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of the person accepting delivery is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than sixty days' supply, on the basis of either his average rate of consuming such grade of paper or paperboard for the preceding quarter or his average rate of consuming such grade of paper or paperboard as projected for the then current quarter;

(3) No person shall knowingly deliver to a paper merchant, and no paper mer-chant shall accept delivery of, any quantity of any grade of paper or paperboard other than newsprint, if the inventory of such grade in the hands of such paper merchant is, or will by virtue of such acceptance become, either (i) in excess of two carloads or (ii), if in excess of two carloads, greater than ninety days' supply, on the basis of either his average rate of distributing such grade of paper or paperboard for the preceding quarter or his average rate of distributing such grade of paper or paperboard as projected for the then current quarter;

(4) No person shall produce at any mill any quantity of any grade of paper or paperboard other than newsprint, if his inventory of such grade at such mill is, or will by virtue of such production become, in excess of (i) two carloads or (ii), if in excess of two carloads, greater than sixty days' supply, on the basis of either the average rate of shipment of such grade from such mill for the preceding quarter or the average rate of shipment of such grade from such mill as projected for the then current quarter.

(5) The term "grade of paper or paperboard" refers to the classification on United States Department of Commerce (Census) Form WPB-514, as revised November 7, 1942, each caption (except those which are further broken down by following captions) representing a separate grade. If a person's gross inventory of a grade is in excess of two carloads or sixty days' supply, as above, but his inventory of a particular item within that grade is less than thirty days' supply (or, in the case of a paper merchant, less than sixty days' supply), he may accept delivery of or produce, and others may deliver to him, any quantity of such item as may be required to provide him with thirty days' supply (or in the case of a paper merchant sixty days' supply). The restrictions of this paragraph (e) apply equally to paper and paperboard of foreign and domestic origin, and apply to intra company deliveries as defined in § 944.12 of Priorities Regulation No. 1. They do not, however, apply to those papers commonly reported on United States Department of Commerce (Census) Form WPB-514, as revised November 7, 1942, under the captions "Photographic and other sensitized" (07611) and "Cigarette" (08512), or to any paper or paperboard after it is printed or converted beyond waxing or coating, or to inventories held by or for any agency or government referred to in § 944.1 (b) (1) and (2) of Priorities Regulation No. 1, or by or for the United States Government Printing Office.

(f) Miccellaneous provisions—(1) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(2) Audit and inspection. All records required to be kept by this order shall, upon request, he submitted to audit and inspection by duly authorized representatives of the War Production Board.

(3) Reports. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from

time to time request.

(4) Violations. Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(5) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the ap-

peal.

(6) Communications. All communications concerning this order shall unless otherwise directed, be addressed to, War Production Board, Pulp and Paper Division, Washington, D. C. Ref.: M-241.

(P.D. Reg. 1, as amended, 6 FR. 6630; W.P.B. Reg. 1, 7 FR. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 FR. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Fub. Law 671, 76th Cong., as amended by Pub. Laws 69 and 507, 77th Cong.)

Issued this 8th day of January 1943. Enderst Kanzler, Director General for Operations.

### Lior A

Column 1 lists general classes of paper and paperbard by names common in the trade. Each class includes all the grades of paper or paperbard reported on United States Department of Commorce (Census) Forms OFM-514 (for the last quarter of 1941) and WPB-514 (for the first quarter of 1942) by the code numbers, respectively as indicated, cot out under the name. In the calculation of a mill's quota there should first be determined the whole quantity of each class preduced at the mill during the base period, then subtracted from the result for each class the quantity produced at the mill during the base period, then subtracted from the result for each class the quantity produced at the mill during the base period of any kind of paper or paperboard on List B falling within such class, then the remainder multiplied by the precentage in column 2, and the several results added and the total divided by two. (See (c) (2) of Order M-241, as amended.)

Class of paper or paperboard Percentage
Newsprint 90
OPM-514-0100 to 0103, incl.
WPB-514-01000 to 01300, incl.

Class of paper or paper-	Class of paper or paper-
board—Continued Percentage	board—Continued Percentage
Groundwood papers	Absorbent papers 80
OPM-514-0200 to 0207, incl.	OPM-514-0600 to 0607, incl.
WPB-514-02000 to 02900, incl.	WPB-51413000 to 13990, incl.
Book papers 80	Container board 100
OPM-514-0300 to 0340, incl.	OPM-514-0901 to 0930, incl.
WPB-514-03000 to 03590, incl.	WPB-51451000 to 51900, incl.
Writings 90	Folding box board, etc 80
	OPM-5140940 to 0943, incl.
OPM-514-0350 to 0375, incl., 0980 to	WPB-514-52000 to 52990, incl.
0983, incl.	Set-up box boards, etc 80
WPB-514-04000 to 08009, incl.	OPM-514-0950 to 0952, incl.
Wrapping paper 85	WPB-514-53000 to 53990, incl.
OPM-514-0400 to 0494, incl. and 0800	Cardboard 80
WPB-514-09000 to 10900, incl. and	OPM-514-0970 to 0974, incl.
19000	WPB-514-54000 to 54900, incl.
Tissue paper 100	Special industrial boards 90
OPM-514-0500 to 0516, incl.	OPM-514-0960, 0990, 1000, 1020.
WPB-514-11000 to 11900, incl. and	WPB-51455000 to 57000, incl. 59000
12100 to 12990, incl.	to 59900, incl.
2000 00 20000; 22244	1

### LIST B

Column 1 lists the grades of paper and paperboard which may in general be manufactured without restriction. (See (c) (3) of Order M-241, as amended). The general class within which each falls, according to the classification on List A, is indicated in Column 2. In the calculation of a mill's quota, the amount produced during the base period of each kind of paper and paperboard listed in column 1 is to be subtracted from the total quantity of the corresponding class in column 2 produced during the base period. (See (c) (2) (ii) of Order M-241, as amended). The kinds of paper and paperboard listed in column 1 are further identified by the numbers in parentheses following each, being the code numbers for each on United States Department of Commerce (Census) Forms OPM-514 (for the last quarter of 1941) and WPB-514 (for the first quarter of 1942), respectively as indicated.

Column 1	Column 2 (Corresponding general class on
(Unrestricted)	List A)
Sanitary napkin and wadding stock	Tissue Papers
(OPM-514: 0510, 0516)	• • • •
(WPB-514: 11100)	
Absorbent for Vulcanized Fibre	Absorbent Papers
(OPM-514: 0605)	
(WPB-514: 13500)	
Absorbent for Resin Impregnating and Plastics	Absorbent Papers
(OPM-514: 0607)"	
(WPB-514: 13910, 13990)	
Building Papers	Not Listed in A
(OPM-514: 0700 to 0704 incl.)	
(WPB-514: 14000 to 14900 incl.)	
Building Boards	Not Listed in A
(OPM-514: 1010 to 1013 incl.)	
(WPB-514: 58000 to 58900 incl.)	
Container Board, from waste	Container Board
(OPM-514: 0904 to 0930 incl.)	
(WPB-514: 51200, 51300, 51410, 51420, and 51440 to	
51900 incl.)	
Cigarette Paper (less than 24 x 36, 480, 18#)	Tissue Papers
(OPM-514: 0502)	
(WPB-514: 12110)	Flores Domese
Condenser Paper (less than 24 x 36, 480, 18#)	Tissue Papers
(OPM-514: 0503)	
(WPB-514: 12120)	Wingson Domesus
Carbonizing Paper (less than 24 x 36, 480, 18#)	Tissue Papers
(OPM-514: 0504)	
(WPB-514: 12130)	Tissue Papers
Stencil and Lens Paper (less than 24 x 36, 480, 18#)	Insue Papers
(OPM-514: 0505) (WPB-514: 12190)	
	Writing Donorg
Photographic Paper (not separately identified on census forms)	Writing Papers
Currency Paper	Writing Papers
	HILLIAMO T Whore
(not separately identified on census forms)	

[F. R. Doc. 43-431; Filed, January 8, 1943; 11:38 a. m.]

### PART 3096—CONSERVATION OF PAPER AND PAPERBOARD

### [General Conservation Order M-241-2]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply, for defense, for private account and for export, of various materials and facilities required in the manufacture and distribution of pulp, paper and paperboard; and the following order is deemed necessary in the public interest and to promote the national

- § 3096.2 General Conservation Order M-241-a-(a) Definitions. For the purpose of this order:
- (1) "Converter" means any person engaged in the business of manufacturing from pulp, paper and/or paperboard any of the commodities or articles referred to in paragraph (b).
- (b) Restrictions on consumption of pulp, paper and/or paperboard in the manufacture of certain converted products. (1) No converter shall during the first calendar quarter of 1943, or any calendar quarter thereafter, consume in the manufacture of any article or class of articles on List A any quantity, in tons, of pulp, paper and/or paperboard greater than the quantity determined by applying the percentage figure on List A opposite the designation of such article or class of articles to either, at the option of the converter:
- (i) The quantity, in tons, of pulp, paper and/or paperboard consumed by such converter in the manufacture of such article or class of articles during the corresponding quarter of 1942; or
- (ii) One-fourth of the total quantity. of pulp, paper and/or paperboard consumed by such converter in the manufacture of such article or class of articles during the entire calendar year of 1942.
- (2) From and after February 15, 1943, no converter shall consume in the manufacture of any article or class of articles underlined on List B any quantity of pulp, paper, or paperboard.

It shall be the duty of each converter to determine in the first instance which, if any, of his products are included among the articles and classes of articles on Lists A and B. In case of doubt he may apply to the Director General for Operations, in writing, describing the product in question, for a specific ruling, by telegram or letter, determining whether or not the same is so included. The Director General for Operations may of his own motion in any case, by telegram or letter, issue a specific ruling determining whether or not a particular product of a particular converter is so included.

(c) Applicability of priorities regula- tions. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as

amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

- (d) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.
- (e) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.
- (f) Audit and inspection. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.
- (g) Reports. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.
- (h) Violations. Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.
- (i) Communications. All communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Pulp and Paper Division, Washington, D. C. Ref.: M-241-a.
- (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

### \_ Issued this 8th day of January 1943.

### Ennest Kanzler, Director General for Operations.

### LIST A

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Article of class of articles Percent	ges
Chair seat covers	75
Dishes, plates and spoons	80
Envelopes	60
Expansion pockets, unprinted	80
Facial tissue	80
File folders, unprinted	80
Fly paper	80
Household rolls (waxed)	80
Index tabs, unprinted	80
Naplins	80
Paper stationery and papeteries	80
Photo mounts	73
Ribbon, all types, including package ties,	
and ribbon blocks and cores.	60
Salt and pepper chakers	60
Tablets, notebooks and pada	100
Toilet seat covers	100

Article or class of articles Percent	agas
Tollet tirrur	119
Towels	23
Waxed papers, other than bread wrap-	
The following decorative items as a	83
group:	
Friction glazed paper	
Flint glazed paper	
Metallic coated paper	רם
Mica coated paper	L.J
Plated papers	
Mat finish papers	

### LIST B

Articles and classes of articles in the manufacture of which pulp, paper or paperboard may not be used after February 15, 1842.

Albums and album covers, including sarapbeels, for photes, enapshots, post cards, clippings, stamps, matchbook covers, etc. Aprons.

Ach trays.

Bakers decorative epocialties, such as:
(a) Pie collars and rings.
(b) Cake circles.
(c) Cake laces.
(d) Concerole collars.

- Bird cage epocialties, such as:
  - (a) Bird cage bottoms.
- (b) Eird cage covers and heads.
  (c) Bird cage food holders.

Bouquet holders for displays, corrages, etc. Card table covers.

Coaster and mats, such as beer mats, and coasters of the type commonly used for households, hotels, teverns, restaurants, etc. Coin cards.

Combs. Costumes.

Dollies. Dusters and dusting paper.

Finger bowl liners.

Hanger protectors.

Laundry epcelalties, such as:
(a) Shirt hands.
(b) Collar circles.
(c) Collar supports.

- (d) Shirt protectors and envelopes.
- (e) Shirt boards.

(1) Shirt displayers.
Noveltics, holiday, party, advertising, and decoration, such as:
(a) Garlands.
(b) Expentines.

- (c) Horno. (d) Hats.
- (e) Table decorations and place cards.
- (f) Streamers, including those for window display and decoration.
- (g) Flower pot covers. (h) Costumes.
- (i) Decalcomania transfers (for noncommercial uce).
- (j) Artificial flowers and flower specialties (for non-commercial une).
  - (h) Confetti.
  - (m) Fireworks.
  - (n) Bouquets. (o) Siewers.
- Place and table mats.

Policy chips.

Punch boards.

Retail packages shelf and drawer lining. Slippere.

Tablecloths.

Tray covers and mats. Venetian blinds.

Window drapes.

[P. R. Doc. 43-428; Filed, January 8, 1943; 11:37 a. m.]

PART 3123—FLOOR FINISHING AND FLOOR MAINTENANCE MACHINES AND INDUSTRIAL VACUUM CLEANERS

### [Limitation Order L-222]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials used in the manufacture of floor finishing and floor maintenance machines and industrial vacuum cleaners; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3123.1 Limitation Order L-222—(a) Definitions. For the purpose of this order:

- (1) "Floor finishing or floor maintenance machines" means any motorized or hand-powered mechanical device, designed for the purpose of floor finishing or maintenance. The term includes, but is not limited to, the types of machines on List A attached to this order as amended from time to time, and excludes independent motor-operated vacuum producing units, floor sanding machines and machines specifically designed for the manipulation of wet cement.
- (2) "Floor finishing" and "floor maintenance" include, but are not limited to, the operations of grinding, staining, sealing, scraping, oiling, waxing or polishing floors or decks, and the collection and removal of dust, grime, oil, reclaimable materials or refuse from floors or decks, either separately or in conjunction with the operations of washing, scraping, sterilizing and wiping-floors or decks.
- floors or decks.
  (3) "Floor sanding machines" means machines used for the smoothing of floors or decks, other than stone or tile floors, by the use of abrasives such as, but not limited to, sandpaper and steel
- (4) "Vacuum cleaners" means machines in which a combination of a motor operated vacuum producer (stationary or portable), an air impeller line, and a portable tool with attachments is used for the collection and removal by suction of dust, oil, reclaimable materials or refuse, in either the wet or dry state.
- (5) "Industrial vacuum cleaners" means all vacuum cleaners other than those designed primarily for household use, exclusive of motor-operated vacuum producing units incorporated in floor sanding, floor finishing or floor maintenance machines.
- (6) "Blowers" means machines in which a combination of a motor operated air pressure producer, an air impeller line, and a portable tool with attachments is used for the removal of dust, materials or refuse by air pressure.
- (7) "New machines" means machines which have neither been used nor sold, rented or lent for the purpose of being used for floor sanding, floor finishing, floor maintenance or vacuum cleaning, and also machines which have been used solely for demonstration or trial loans.

- (8) "Supplies" means replaceable items, such as, but not limited to, polishing brushes, cleaning brushes, sanding drums and discs, stones, hoses and bags, which are expended in the operations of floor sanding, floor finishing, floor maintenance, and vacuum cleaning.
- (9) "Manufacturer" means any person engaged in the fabrication or assembly of new floor sanding machines, new floor finishing or floor maintenance machines, or new industrial vacuum cleaners, or of parts designed specifically for such machines, and includes wholesaling or retailing subsidiaries or divisions of such a person.
- (10) "Distributor" means any person engaged in the business of selling, renting or lending new floor sanding machines, new floor finishing or floor maintenance machines, or new industrial vacuum cleaners, other than a manufacturer.
- (b) Restrictions on production—(1) Floor sanding machines. No manufacturer shall fabricate or assemble any new floor sanding machines or parts for such new machines except as follows:
- (i) On and before January 15, 1943, but not thereafter, a manufacturer may start to fabricate parts, for the assembly of new floor sanding machines, from materials which are still in the form in which he received them, provided that the materials which he starts to fabricate can be fabricated into parts and can be assembled into new floor sanding machines within the time limits set by paragraphs (b) (1) (ii) and (b) (1) (iii) of this order.
- (ii) On and before March 15, 1943, but not thereafter, a manufacturer may fabricate parts for the assembly of new floor sanding machines.
- (iii) On and before March 15, 1943, but not thereafter, a manufacturer may assemble new floor sanding machines.
- (2) Floor finishing or floor maintenance machines. No manufacturer shall fabricate or assemble any new floor finishing or floor maintenance machines or parts for such new machines, except-as follows:
- (i) On and before January 15, 1943, but not thereafter, a manufacturer may start to fabricate parts, for the assembly of new floor finishing or floor maintenance machines, from materials which are still in the form in which he received them, provided that the materials which he starts to fabricate can be fabricated into parts and can be assembled into new floor finishing or floor maintenance machines within the time limits sets by paragraphs (b) (2) (ii) and (b) (2) (iii) of this order.
- (ii) On and before March 15, 1943, but not thereafter, a manufacturer may fabricate parts for the assembly of new floor finishing or floor maintenance machines.
- (iii) On and before March 15, 1943, but not thereafter, a manufacturer may assemble new floor finishing or floor maintenance machines.
- (3) Industrial vacuum cleaners. No manufacturer shall fabricate any parts for new industrial vacuum cleaners except as follows:

- (i) On and before January 15, 1943, but not thereafter, a manufacturer may start to fabricate parts, for the assembly of new industrial vacuum cleaners, from materials which are still in the form in which he received them, provided that the materials which he starts to fabricate can be fabricated into parts within the time limit set by paragraph (b) (3) (ii) of this order.
- (ii) On and before March 15, 1943, but not thereafter, a manufacturer may fabricate parts for the assembly of new industrial vacuum cleaners, provided that if the Director General for Operations shall fix a production quota for such manufacturer, the number of machines for the assembly of which such manufacturer fabricates parts shall not exceed such production quota. Whenever production quotas are assigned by the Director General for Operations, he will take into consideration the number of machines already completed and the number of machines needed to be completed to meet, but not to exceed, the total requirements for such machines as determined by the Standard Products Com-
- (4) Repair parts other than supplies.
  (i) During the calendar quarter commencing January 1, 1943, and during any calendar 'quarter thereafter, no manufacturer shall fabricate repair parts having an aggregate manufacturing cost in excess of two per cent of that manufacturer's billed sales of new floor sanding machines, new floor finishing and floor maintenance machines, and new industrial vacuum cleaners during the calendar year of 1941.
- (5) Supplies. Except as otherwise specifically provided, the restrictions of paragraph (b) of this order shall not apply to supplies other than suction attachments used in the conversion of portable industrial blowers to industrial vacuum cleaners.
- (c) Restrictions on transfer. (1) No manufacturer or distributor shall sell, rent, lend or deliver any of the following types of new machines without authorization on Form PD-722:
- (i) Drum type floor sanding machines making an eight-inch path or wider.
- (ii) Disc type floor sanding machines making a twelve-inch path or wider.
- (iii) Drum type floor finishing or floor maintenance machines making an eightinch path or wider.
- (iv) Disc type floor finishing or floor maintenance machines making a twelve-inch path or wider.
  - (v) Industria vacuum cleaners.
- Such authorizations shall expire thirty days after the date of their issuance unless served in the interim upon the supplier named therein. Within five days after their expiration, all expired authorization forms shall be returned for cancellation to the War Production Board, Service Equipment Division, Washington, D. C., Ref: L-222.
- (2) Nothing in this paragraph shall be construed to prohibit the sale, rental, loan, or delivery of new machines from one manufacturer or distributor to fill an order, or part of an order received by the

latter for such machines if the filling of the order has been authorized on Form PD-722.

- (d) Procedure for authorization. All persons making application for the authorization required by paragraph (c) hereof shall make such application on Form PD-722.
- (e) Applicability of other orders and priorities regulations. (1) This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.
- (2) Nothing in this order shall be construed to permit the production of any machines whose production is prevented by any other orders or regulations of the War Production Board, including § 1174.1 Limitation Order L-91, and § 1176.1 Conservation Order M-126, as amended from time to time.
- (f) Records. All persons to whom this order applies shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, leases, and rentals.

(g) Audit and inspection. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) Reports. (1) All persons affected by this order shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board shall from time to time request.

(2) On or before January 28, 1943, for the month of December, and on or before the 15th day of each month thereafter for the preceding month, each manufacturer or distributor of new floor sanding machines, new floor finishing or floor · maintenance machines, or new industrial vacuum cleaners shall file a monthly

report on Form PD-723.

(i) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnished false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(j) Appeals. Any appeal from this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(k) Communications. All reports to be filed hereunder, or communications concerning this order, should be addressed to: War Production Board, Service Equipment Division, Washington, D. C., Ref: L-222.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January, 1943. Ennest Kanzler, Director General for Operations.

Terrazzo grindera. Waxing and poliching machines. Disc type corubbers, cither wet or dry. Drum type corubbers, either wet or dry. Combination corubbers and water pickup. Drum type swcepers. Drum type ccarifying machines. Disc type scarifying machines.

[F. R. Doc. 43-433; Filed, January 8, 1943; 11:39 a. m.]

### PART 3133—PRINTING AND PUBLISHING [Limitation Order L-241]

### COMMERCIAL PRINTING

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc and paper, required for the production of printed matter for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.9 Limitation Order L-241—(a) Definitions. For the purpose of this order.

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Printed matter" means any paper (or paperlike substance) with ink applied to it by the relief, planographic, intaglio, silk screen or other stencil processes or any combination or modifcation thereof, except:

(i) "A Newspaper" as defined in General Limitation Order L-240.

(ii) "Wall Paper" as defined in Gen-

eral Limitation Order L-177. (iii) "A Box" as defined in General

Limitation Order L-239. (iv) Any converted paper product as contained in List A and List B of Gen-

eral Conservation Order M-241-3. (v) "A Magazine" as defined in Gen-

eral Limitation Order L-244.

(vi) "A Book" as defined in General Limitation Order L-245.

(vii) Printed matter produced by or for the account of any department or agency of the United States or any State. County or Municipality in the United

States, its territories or possessions.
(3) "Printer" means a person who produces printed matter.

(4) "Put into process" means the first application of ink to paper (or paperlike substance) in the production of printed matter.

(5) "Base period" means the calendar year 1941.

(b) Restrictions on the weight of paper which a printer may put into process. (1) During the first calendar quar-

ter of 1943 or any calendar quarter thereafter no printer shall put paper (or paperlike substance) into process in excess of either of the following schedules:

(1) 2212% of the gross weight of paper (or paperlike substance) put into process by him during the base pariod.

(ii) 90% of the gross weight of paper (or paperlike substance) put into process by him during the corresponding calendar quarter of the base period.

(2) Notwithstanding the provisions of (b) (1) above, no printer during the calendar year 1943 or any calendar-year thereafter shall put into process paper (or paperlike substance) in excess by weight of 90% of the gross weight of paper (or paperlike substance) put into process by him during the base period.

(c) Miscellaneous provisions—(1) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time

(2) Reports. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Director shall from time to time require.

(3) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning their inventory, use and sales of printed matter, subject to the inspection of the duly authorized representative of the War Production Board.

(4) Appeals. Any appeal from the provisions of this order shall be made by filling a letter in triplicate, referring to the particular provision appealed from. stating fully the grounds of the appeal.

(5) Communications to the War Production Board. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing & Publishing Division, Washington, D.C. Ref.: L-241.

(d) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprison-ment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 FR. 6680; W.P.B. Reg. 1, 7 FR. 561; E.O. 9024, 7 FR. 329; E.O. 9040, 7 FR. 527; E.O. 9125, 7 FR. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943.

ERNEST KANZLER, Director General for Operations.

[P. R. Dec. 43-429; Filed, January 8, 1943; 11:33 c. m.]

PART 3133-PRINTING AND PUBLISHING [Limitation Order L-245]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of copper, zinc, and paper required for the production of books for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3133.17 Limitation Order L-245-(a) Definitions. For the purposes of this

order:
(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

- (2) "Book" means a collection of 32 or more pages of paper (or paperlike substance), either bound or in loose-leaf form, to which ink has been applied to a minimum amount of one-half of such pages by the relief, planographic, intaglio, silk screen or other stencil processes. or any combination or modification of such processes, not issued periodically (except at intervals of more than 6 months) and consisting of reading matter and/or illustrations printed and offered for sale, including supplements thereto regardless of number of pages or frequency of issuance.
- (3) "Publisher" means a person who causes a book to be printed and offers the same for sale.
- (4) "Put into process" means the first application of ink to paper in the printing of a book.
- (5) "Paper" means any grade or quality of paper used in the production of a book, including text, inserts, end papers, jackets or any printed paper physically incorporated into, or made a part of, a book,
- (6) "Base period" means the calendar year 1942.
- (b) Limitations on paper put into process. No publisher shall cause paper to be put into process for the production of books during the calendar year 1943 in excess of 90% of the amount of paper by weight which he caused to be put into process in the production of books during the calendar year 1942.
- (c) Restrictions on paper for reprinting. (1) On and after the 8th day of January, 1943, no publisher shall cause paper to be put into process for the reprinting of any book issued prior to said date, in an amount by per copy weight greater than 90% of the amount by per copy weight of the paper caused to be put into process by him, or by the original publisher, in the last printing of said book prior to said date.

(2) Excepted from the provisions of paragraph (c) (1) above is the reprinting of books:

(i) The last printing of which occurred prior to the 8th day of January, 1943 on paper of a 40-pound base weight or lighter, and where such reprinting is to be effected on a paper of an equal or lighter base weight;

(ii) The paper for which was ordered prior to the 8th day of January, 1943 and is scheduled for delivery to, or for the account of, the publisher within 45 days after the 8th day of January, 1943.

(d) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(e) Records. All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories of paper and books, and the production and sales of books.

(f) Reports. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request,

(g) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any departg ment or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assist-

(h) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(i) Communications. All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Printing and Publishing Division, Washington, D. C. Ref.: L-245.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943.

ERNEST KANZLER. Director General for Operations.

[F. R. Doc. 43-432; Filed, January 8, 1943; 11:39 a. m/]

PART 3162-FOLDING AND SET-UP BOXES [Limitation Order L-239]

The fulfillment of requirements for the defense of the United States has created shortages in the supply of materials entering into the production of folding and set-up boxes for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3162.1 Limitation Order L-239-(a) Definitions. (1) "Folding box" means any collapsible container, or part thereof, made of paper or paperboard, excepting solid fibre or corrugated shipping containers not made on folding box machinery.

(2) "Blank" means any sheet of paper or paperboard, cut to shape and creased or scored for the purpose of being used as a box or part thereof.

(3) "Set-up box" means a non-collapsible or rigid container, or part thereof, made of paper or paperboard, excepting cups, pails, and solid fibre or corrugated shipping containers not made on set-up box machinery.
(4) "Pail" means a wedge shaped,

folded, liquid-tight, paper container.

(5) "Box" unless otherwise specified, includes blanks, folding boxes, set-up boxes, pails and parts thereof.
(6) "Work in process" means any ma-

terial for physical incorporation in boxes, on which actual box making operations have been started. No preparatory work such as art work, engravings, electrotypes, dies, forms shall be deemed

"work in process".

(7) "Virgin wood pulp" means pulp manufactured either by mechanical or chemical means from coniferous or broadleaf trees.

(8) "Gage list" means any gage list set forth in United States Department of Commerce Simplified Practice Recommendation R44-36 entitled "Box Board 'Thickness'

(9) "Multiple container" means a box containing a number of separately packaged items of the same commodity.

(b) General restrictions—(1) Restrictions on use of metal. No person shall manufacture or incorporate in the manufacture of boxes:

(i) Any metal bails or metal handles for boxes, or

(ii) Metal mailing clips or fasteners for boxes customarily known as mailing containers.

(2) Restrictions on manufacture of seasonal boxes and sleeves. No person shall manufacture:

(i) Any box for seasonal or other special purpose having a greater pulp content or area or weight of paper or paperboard than contained in the usual commercial box for like contents.

(ii) Any sleeves or extra containers for seasonal or other special purposes unless also required for the usual com-

mercial box for like contents.

(iii) Exception. The restrictions of paragraphs (b) (2) (i) and (ii) shall not apply to boxes in which are packed two or more commodities usually separately packed, except to the extent that said paragraphs (b) (2) (i) and (ii) are made applicable by any schedule.

(3) Restrictions on dummy boxes. No person shall manufacture any commercial display box simulating a package and not intended for packaging purposes, or use for display purposes, any box not previously used for packaging.

- (4) Restrictions imposed by separate schedules. All persons shall observe the restrictions and other provisions which are and may be imposed from time to time by the Director General for Operations in all schedules hereto, all of which shall be parts of this order. No person shall manufacture, sell, or deliver any box which he knows or has reason to believe will be used in violation of any provision of this order.
- (5) Restrictions on manufacture of boxes from virgin wood pulp. No person shall manufacture any box from any of the following grades of paperboard listed in United States Department of Commerce Simplified Practice Recommendation R44-36 if any virgin wood pulp is contained in any of such paperboard: plain chipboard, filled news board, single news vat-lined chip, colored box board chip back, bending chip board, colored suit box chip back, mist color suit box chip back, solid jute, cracker shell board, or solid news, provided that this restriction shall not apply to boxes manufactured from paperboard in the box manufacturer's inventory on January 8, 1943. (6) Restriction on use of double lined
- folding box board. No person shall commercially use any virgin wood pulp liner on the inside surface of any box unless for packaging wet or oily foods, or when the use of virgin wood pulp liner is essential in order to deliver the packaged contents in a usable condition, Provided, That this restriction shall not apply to the use of any virgin wood pulp liner in the box manufacturer's inventory on January 8, 1943.
- (c) Exceptions-—(1) Boxes completed or in process. No restriction of this order shall apply to boxes completely manufactured or made from work in process prior to the effective date of such restriction: Provided, That work in process on the date of such restriction is completely manufactured within 90 days thereafter.
- (2) Boxes for certain Government agencies. The restrictions of this order shall not apply to boxes manufactured to meet the packaging specifications of, and delivered to or for the account of, the United States Army, Navy, Maritime Commission, War Shipping Administration, or any agency imposing such speci-

fications for material to be delivered under the Act of Congress of March 11, 1941, entitled "An Act for the Defense of the United States" (Lend-Leace Act).

(d) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(e) Appeals. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for appeal.

(f) Records. All persons affected by this order shall keep for at least two years records concerning inventory, production, purchases and sales, and shall make reports on same if required.

(g) Communications. All reports required to be filed hereunder and all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed, be addressed to War Production Board, Containers Division, Washington, D. C., Ref. L-239.

(h) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assist-

(P.D. Reg. 1, as amended, 6 F.R. 6620; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 FR. 329; E.O. 9040, 7 FR. 527; E.O. 9125, 7 FR. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 8th day of January 1943.

### Ennest Kanzler Director General for Operations.

### ECHEDULE I-FOOD BOXES

Table I—Butter, lard, elcomargarine and similar boxes. (a) No person chall manufacture any box for packaging butter, lard, oleomargarine, or cimilar products with a content capacity of less than one pound.

Table II—Ice cream boxes. (a) No person shall manufacture any box for direct

fill factory packed ice cream except with content capacities of one pint, one quart, two and one half gallons or larger than two and one half gallons.

Table III—Crackers and baled goods boxes—(a) Terms. (1) Crackers and baled goods mean products of the blesuit, cracker and pretzel industry.

(2) Crackers and balied goods caddles mean paperboard containers for dispensing crackers and other baked goods in bulk.

(3) Cubic inch capacity of formed car-tons-is calculated on center to center of ecore line dimensions.

(b) Restrictions on packing crackers and thed goods. The following restrictions baked goods.

chall be observed in the packing of creakers and baked goods:

(1) Crackers, cookies or biscults shall be packed not less than six begs, packets, or

rolls to a folding or est-up box.
(2) Single caddles and double caddles made from folding or est-up boxboard shall be filled to normal capacity, regardless of weight or count of contents.

(c) No person shall manufacture any box for packaging crackers or baked goods ex-ceeding the following maximum specifications:

(1) No end flaps on seal end cartons shall to more than 1/2 the width of the carton for ground products (such as cracker meal) may be full width.

(2) (1) Tuck on carton having cover flep 5" or less in length shall not exceed 7.5"

from the center of coore line to edge of tuals.

(ii) Tuck on corton having cover flap over 5" in length chall not exceed one inch from conter of score line to edge of tuck.

(3) Length of cide flaps on tuel: flap cartons chall not exceed 1/2 of the width of extension from front to back, plus 1/2 of the closure tuck flap, as provided by paragraphs (c) (2), (i) and (ii).

(4) (1) Single caddies of folding or satur beadsard for bull: goods shall not have openings less than 10" x 10".

(ii) Double caddles of folding or set-up hoxboard for bulk goods shall not have open-ingo less than 10" x 20". (iii) No single or double folding or set-up

boxboard caddles for bulk goods shall be less than 61/2" in depth, excepting that fruit-filled bars, candwich varieties and shortbreads may be packed in caddies not less than 4%," in

depth.
(iv) Single caddles of folding or set-up box-board chall be no thicker than .053.

(v) Double caddics of folding or set-up boxboard shall be no thicker than .080.

(5) (1) Layer boards, strips, dividers and nestings of folding or est-up boxboard (non-virgin wood pulp) for bulk receptacles shall not exceed basis 160 cheets per E0 lb. bundle, excepting that divider strips for fruit-filled bars chall not exceed backs 50 sheets per 50 lb.

(ii) Layer boards, strips, dividers and nest-ings made from wood pulp board for bulk receptables chall not exceed basis 100 cheets per (3 lb. bundle.

(iii) Nexts for single caddles made from virgin wood pulp board chall not exceed .024 in thic mean

(iv) Nexts for double caddles made from virgin wood pulp board shall not exceed .626 in thickness.

(v) Layers, ctrips, dividers and nestings for collophane bags, glactine bags, paper bags, packets, tray packages and boots if made from laminated stock chall not exceed .022 in thicknece; if made from other than laminated steel: chall not exceed basis 80 sheets per 50 lb. bundle.

(6) Paperboard for packets, trays and boots chall not exceed .022 in thickness.

(7) Bacis weight of board for cracker shell type cortons shall not exceed the following:

Cubic inch expensive of fame of existens	Legard velight up to and in- cluding	Weight per theman i course for	Celifor	
Tp to 23	8cz	28828	Sco Got: List No. 2	

(8) Basis weight and caliper of board with printing surface, such as single manila lined and bleached manila lined boards used for printed cartons shall not exceed the follow-

Cubic inch capacity of formed cartons	Legend weight up to & in- cluding	Weight per thousand square feet	Caliper	
Up to 50	8 oz	80 85 90 96 103	See Gage List No. 2.	

(9) Basis weight and caliper of board with printing surface such as patent coated news back board used for printing cartons shall not exceed the following:

Cubic inch capacity of formed cartons	Legend weight up to and in- cluding	Weight per thousand square feet	Caliper
Up to 50	8 oz 12 oz 1 lb 2 lb Over 2 lb	82 88 96 104 112	See Gage List No. 2.

(10) Basis weight and caliper of board in paragraphs (c) (7), (8) and (9) shall be based on the cubic inch capacity of the formed carton or the legend weight, whichever is greater.

(11) Caliper of board for single sale unit boxes made of laminated stock in one pound or up to and including two pound sizes shall

not exceed .030 in thickness.

(12) Flanges on telescope covers of laminated single and double size caddles shall not exceed 2" in depth.

(13) Printing designs shall not extend (bleed) over carton edges if such extension (bleed) causes an excess use of-paperboard through the use of double knives or otherwise.

(14) Cracker caddies in carload lots shall be mill tied, knocked down flat, not wrapped. SCHEDULE II-BEVERAGE AND TOBACCO BOXES

Table I—Alcoholic beverage boxes. (a) Definition: Alcoholic beverage means any beverage containing 3.2% or more of alcohol by volume, including but not limited to whisky, gin, rum, brandy, liqueurs, cordials, wines and malt beverages, not including medicinal preparations.

(b) No person shall manufacture any box for packaging alcoholic beverages.

### SCHEDULE III-RETAIL BOXES

Table I—General restrictions on retail boxes. (a) Definition: Retail box means any box furnished directly or indirectly by a retailer for packaging merchandise for retail distribution, excepting parcel post boxes and boxes for packaging foods, drugs, medicinal supplies or custom jewelry.

(b) Quota restriction on manufacture of retail boxes. Beginning January 1, 1943, no person shall in any quarter put in process for the manufacture of retail boxes more than 65 percent of the tonnage of paperboard he put in process for the manufacture of retail boxes in the corresponding quarter of 1941.

(c) No person shall knowingly manufacture boxes for sale at retail as empty boxes.

Table II-Restrictions on retail set-up boxes. (a) No person shall manufacture any retail boxes exceeding the following maximum specifications, provided that retail boxes of sizes other than specified below may be manufactured if the material used is not of heavier weight than that permitted for the size box having the nearest higher area in square inches: square inches:

luare in	cnes.			
Length	Size width	Depth	Lid depth	Paperboard shall not be heavier than regu- lar number 50 lb. bundles (sheets per bundle)
2 2 3 3 4 4 4 4 5 5 5 6 6 6 6 6 6 6 6 6 6 6 6 6	スススススススススススススススススススススススススススススススススススス	2 34 112 4 1 5 12 4 2 13 14 12 4 8 3 3 5 11 2 6 2 5 4 5 10 11 12 13 13 12 8 1 2 4 6 10 4 2 5 16 18 8 2 2 2 2 11 13 5 5 5 3 4 6 2 1 13 13 13 13 13 13 13 13 13 13 13 13 1	2 % 6 6 4 4 6 4 1 6 4 1 1 2 1 1 1 1 1 1 1 1 1 2 1 2 1 1 2 1 2 1 1 2 1 2 1 1 2 1 2 1 1 2 1 2 1 1 2 1 2 1 1 2 1 2 1 1 2 1 2 1 1 2 2 2 2 2 2 1 1 1 1 2 2 2 2 2 2 1 1 1 1 2 2 2 2 2 2 1 1 1 1 2 2 2 2 2 2 1 1 1 1 2 2 2 2 2 2 1 1 1 1 2 2 2 2 2 2 1 1 1 1 2 2 2 2 2 2 2 1 1 1 1 2 2 2 2 2 2 2 1 1 1 1 2 2 2 2 2 2 2 1 1 1 1 2	866666666666666666666666666666666666666

- (b) Material for retail boxes. No person shall incorporate in any retail boxes:
- (1) Any grade or quality of paperboard higher than solid news No. 2 finish, Gago List No. 3, or
- (2) Any bottom paper if the box is strip wrapped, or
- (3) Any lining other than news vat lining on the side of the board forming inside of the blank, or

(4) Any metal.

Table III—Restrictions on retail folding boxes. (a) No person shall incorporate in the manufacture of retail boxes for packaging clothing or other garments, laundry, or flowers, any grade of paperboard other than paper-board without virgin wood pulp listed in para-graph (b) (5) of this order, or any metal.

SCHEDULE IV-BOXES FOR PAPER PRODUCTS

Table I-Envelope boxes. (a) (1) No person shall use in the manufacture of any setup envelope box:

(1) Any paperboard of a quality better than bending chip board or news vat lined chip, No. 2 finish, Gage List No. 2 if cover paper is used; if cover paper is not used the quality of the paperboard shall not be better than patent coated news back, or

(ii) Any sheet lined board, or (iii) Any paperboard of a count in excess of the maximum shown below (25" x 40" 50 lbs. per bundle), which count shall be specified by the envelope manufacturer or packer:

per bundlo

Envelopes 14" half perimeter and less.... Envelopes over 14" half perimeter and not exceeding 16" half perimeter.....

Envelopes over 18" half perimeter\_\_\_\_\_ 40
(2) No envelope box shall be double

stripped on either box or cover, or have incorporated therein any metal.

(b) No person shall manufacture any folding box for envelopes from paperboard of better quality than patent coated news back without sheet lining, nor of greater weight per box than required for an equivalent cubical content set-up box.

Table II—Papeterie boxes. (a) (1) No person shall use in the manufacture of any set-

up box for papeteries:

(1) Any paperboard better than bending chip board or news vat lined chip, No. 2 finish, Gage List No. 2, if cover paper is used; if cover paper is not used the quality of the paperboard shall not be better than patent coated news back.

(ii) Any paperboard of count in excess of the maximums shown below: (25" x 40"—

50 lbs. per bundle). Boxes containing 23 envelopes or less with corresponding note paper and/or cards—60

sheets per bundle;

Boxes containing from 24 to 72 (inclusive) envelopes with corresponding note paper and/or cards—50 sheets per bundle;

Boxes containing more than 72 envelopes with corresponding note paper and/or cards—

40 sheets per bundle.

(iii) Any sheet lined board, metal, or more.

than double stripping.

(2) No person shall manufacture any folding box for papeteries from paperboard of higher quality than patent coated news back without sheet lining, nor of greater weight per box than required for an equivalent cubical content set-up box, nor incorporate any metal in any such folding box.

(3) Folding and set-up boxes. No box shall be made with slides, drawers, shoulders, base or cover caps, false bottoms, ends or sides, flanges or projections, padded tops or any covering other than paper, traps, decks, or other false work, except that boxes containing in excess of 23 envelopes with corresponding note paper and/or cards may contain false work not exceeding 1/4 the volume of the box.

Table III—Waxed paper cutter boxes. No person shall manufacture any cutter boxes for packaging rolls of waxed paper excepting in accordance with the following maximum specifications:

(1) Box dimensions: 21/16 x 21/16 x 123/3

inches.

(2) Quality of paperboard: no higher than bleached manila lined news basis 70 sheets per 50 lb. bundle.

Table IV-Roll toilet tissue. (a) No person shall manufacture any boxes for packaging roll toilet tissue.

### SCHEDULE V-SPORTING GOODS BOXES

Table 1—Golf, tennis, baseball, football, volley ball and basket ball boxes. (a) No person shall manufacture any box for packaging less than twelve (12) golf, tennis or baseballs or incorporate in the manufacture of any such box metal or sheet lining, or paperboard exceeding in area or weight the paperboard required for a full telescope setup box without projecting edges or dividers, basis sixty (60) sheets per 50 lb. bundle.

(b) No person shall manufacture any box for packaging inflated footballs, volley balls or basket balls, or incorporate in any such box paperboard exceeding in area or weight the paperboard required for a full telescope setup box without projecting edges, basis sixty (60) sheets per 50 lb. bundle.

[F. R. Doc. 43-427; Filed, January 8, 1943; 11:37 a. m.]

Chapter XI—Office of Price Administration

PART 1316—COTTON TEXTILES

[MPR 11]

### FINE COTTON GOODS

The title, preamble and §§ 1316.1 to 1316.14, inclusive, of Revised Price Schedule No. 11 \*-Fine Cotton Goodsare amended, renumbered and reissued as Maximum Price Regulation No. 11-Fine Cotton Goods.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 11 has been issued simultaneously herewith and filed with the Division of the Federal Register.

So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation. In the judgment of the Price Administrator, the maximum prices established by this maximum price regulation are, and will be, generally fair and equitable, and comply with the requirements of section 3 and the other requirements of the Emergency Price Control Act of 1942, as amended, and will effectuate the purpose of said Act.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 12 issued by the Office of Price Administration, Maximum Price Regulation No. 11 is hereby issued. Sec.

1316.1 Prohibition against dealing in fine cotton goods at prices above the maximum.

1316.2 Less than maximum prices.

To what transactions, fabrics and persons this Regulation applies, and the relation to other Regulations.

1316.4 Maximum prices.
1316.5 What the contracts of cale and invoices must contain.

1316.6 Prohibited practices. 1316.7 Applications for adjustment or pe-

titions for amendment. Records and reports.

1316.9 Enforcement.

1316.10 Effective date.

AUTHORITY: §§ 1316.1 to 1316.10 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; Executive Order 9250, 7 F. R. 7871.

§ 1316.1 Prohibition against dealing in fine cotton goods at prices above the maximum. Except as provided in § 1316.3 (a) no person shall sell or deliver and no person in the course of trade or business shall buy or receive any fabrics covered by this regulation at prices higher than the maximum prices fixed herein, and no person shall agree, offer, solicit or attempt to do any of the fore-

§ 1316.2 Less than maximum prices. Prices lower than the maximum prices set by this regulation may be charged. demanded, paid or offered.

§ 1316.3 To what transactions, fabrics and persons this regulation applies, and the relation to other regulations-(a) What transactions are covered and the relation to other regulations. (1) This regulation covers all sales and deliveries of fabrics listed in paragraph (b) below other than (i) any sale or delivery which is covered by the Revised Maximum Export Price Regulation: and (ii) sales or deliveries made by a wholesaler. jobber or retailer in the performance of a recognized distributive function. A sale or delivery performs a "recognized distributive function" only if it advances the goods sold to the next stage of distribution. It follows that sales by any person to a converter or finisher, by one jobber to a competitive jobber, and by one manufacturer of commodities from cloth to another are covered by the regulation.

(2) Any sale or delivery covered by this regulation is not subject to the General Maximum Price Regulation or to Maximum Price Regulation No. 157.5

(b) What fabrics are covered. (1) This regulation-covers:

9732, 10155 10454. <sup>6</sup>7 F.R. 4273, 4541, 4618, 5180, 5716, 6903, 6424, 8948,

- (i) All grey goods made wholly of combed cotton yarn, except:
- (a) Goods (other than marquisettes) containing colored yarn elsewhere than in the selvage:
- (b) Cross-bordered handkerchief cloth;
  - (c) Twills;
  - (d) Oxfords;
  - (e) Balloon cloth;
- (f) Madras made in a weave requiring a dobby loom.
- (g) When sold under a government contract (as defined in § 1316.7), any fabric for which no maximum price per yard is listed herein.

(ii) Grey sateens made in whole or in part of combed cotton yarn; and

(iii) Unfinished box-loom clip-spot marquisettes and beat-up marquisettes made of combed or carded cotton yarn or any combination thereof.

(c) What persons are covered. This regulation covers all persons, including individuals, corporations, partnerships, associations and any other organized groups; their agents or legal successors: the United States, any government and any agencies or political subdivisions thereof.

§ 1316.4 Maximum prices. (a) The maximum prices established herein are prices f. o. b. the seller's point of shipment, net ten days.

(b) For seconds, short lengths and remnants of any fabric subject to the maximum, prices set in this regulation, the maximum prices shall be discounted as follows:

Ecconds, shorts and remnants: (Perca	
20 to 40 yards 10 to 20 yards	10 25
1 to 10 yards	50
49 yards and over	5

(c) In addition to the maximum prices set forth in Table I, the following pre-

miums for special manufacturing proc-				
esses may be charged. None of the pre-				
miums allowable hereunder is applicable,				
however, to any fabric which, in its basic				
construction is normally manufactured				
construction, is normally manufactured				
by means of the process on which such				
premium is predicated.				
Premium				
(cents				
Name of manufacturing process per yd.)				
Weaves requiring dobby Icom: 1				
Weaven requiring 16 harnesses or less. 115				
Weaves requiring more than 16 har-				
neces-11/2				
Fancy draw: 2				
For ply cords, bunched ends, skip				
dente, double draw (2 ends or more				
weaving as one), reverse-twist, wrap				
stripes, or any other nevalty draw,				
or for any combination of the above_ 1/2				
Each extra beam				
Hard twist:				
Wrap yarn where turns per inch equal				
513 or more times the square root				
of yarn size				
Filling yarn where turns per inch equal				
4% or more times the square root of				
yarn eize				
Clipping1				
***				

If a premium is charged for dobby weave, no premium may be charged for fancy draw.

<sup>\*</sup>Copies may be obtained from the Office of

Price Administration. 17 F.R. 1231, 2000, 2132, 2737, 3163, 5519, 7434, 8936, 8948, 10009, 10534.

<sup>27</sup> F.R. 8961.

<sup>\*7</sup> F.R. 5951.

\*7 F.R. 5059, 7242, EE29, 8000, 10730.

\*7 F.R. 3153, 3330, 3606, 5990, 3931, 4339, 4487, 4659, 4738, 5027, 5276, 5102, 5305, 5445, 5565, 5484, 5775, 5784, 5783, 6038, 6031, 6007, 6216, 6615, 6939, 6794, 7033, 7322, 7454, 7783, 7836, 6815, 681 7913, 8431, 8881, 9004, 6342, 9435, 9615, 9616,

### (d) The maximum prices are as follows:

### TABLE I1

### Type and construction of cloth

Type and construction of cloth
Cents
Combed broadcloth: per yard
37"—128 x 68, 4.20 19.04
37"—136 x 60, <sup>2</sup> 4.00———————————————————————————————————
37''—144 x 76, 4.20 20.44
37"—152 x 80, 4.20 21.81 37"—128 x 64, 4.00 (slub filled) 19.29
37"—128 x 64, 4.00 (slub filled) 19.29
Lawns:
39"—68 x 56, 11.00 9.83 36"—72 x 56, 10.00 9.91
36"—72 x 56, 10.00 9.91
36"—76 x 72, 10.0011.15 40"—72 x 68, 9.5011.58
40"-72 x 68, 9.50 11.58
36"—88 x 80, 9.50 12.62
40"—76 x 72, 9.65————————————————————————————————————
40"—76 x 72, 9.00 12.08 40"—96 x 100, 9.00 (pima) 21.22
40"—88 x 80, 8,50 13,74
40"-88 x 80, 11.30 17.77
40"—88 x 80, 11.30———————————————————————————————————
36"-76 x 72, 7.75
4011 DR v 02 7 50 15 47
45''—88 x 80, 7.50 16.18
44''88 x 80, 7.15 15.93
40"-96 x 100, 9.00 (foreign pima) 19.62
45''-88 x 80, 7.50
40"—96 x 100, 6.7518.01 40"—88 x 80, 6.9014.32
40''—88 x 80, 6.90 14.32
40"—108 x 112, 6.40 18. 55 40"—88 x 80, 6.00 15. 35
40''—88 x 80, 6.00 15.35
37½"96 x 92, 6.60 16.53
40"—80 x 80, 5.40 16.23
39"—96 x 100, 5.00
44"—96 x 100, 4.40 21.96
39"—96 x 100, 4.10 21.30
40"—80 x 92, 3.80 (gas mask) 21.85 43"—80 x 92, 3.50 (gas mask) 23.61
43"—80 x 92, 3.50 (gas mask) 23.61 Dimities:
26"_06/64 v 69 0.00 12.06
36"—96/64 x 68, 9.00———————————————————————————————————
36½"—114/76 x 64, 7.60 12, 87
40½"—90/64 x 72, 7.55 13.34 38"—94/64 x 68, 6.80 13.34
38"—94/64 x 68, 6.80 13.34
Dimity checks:
37½"54 x 44, 10.40 8.57
36"—76 x 72, 8.30 11.87
36"—73 x 64, 9.40 11.15
36"—90 x 89, 8.10 13.57
Pique:
38"—150/176 x 100, 3.50 29.99
Pongee: 38"—72 x 100, 6.25 15.61
38"—72 x 100, 6.25 15.61 Voiles:
371/3"—60 x 44, 12.50 (drop check) 8.04
37½"—60 x 44, 12.50 (drop check) 8.04 37½"—56 x 42, 11.15 (check voile) 8.45
40"—74 x 56, 10.00 (drop check) 10.64
40"—74 x 56, 10.00 (drop check) 10.64 39"—60 x 52, 9.00 (slack twist) 10.25
20"80 v 49 0 10 (elook twict) 0 70
38"—60 x 48, 9.80 9.15
Mardusettes:
38½"—44 x 18 6.73
39''—44 x 22 7.37
39½"—46 x 20 7.49
39½"—48 x 227.93
39½"—48 x 24 8.31
39½"—48 x 28
49"—48 x 32 9.26 49"—48 x 28 10.76
49"—48 x 22 10.76
39½"—52 x 30 9.22
48"—52 x 30 10.68
48"54 x 30 10.87
¹Fabrics shall be subject to the yardage
rantice priett he publice to the Astroage

raphres shall be subject to the yardage prices set forth in Table I and II, rather than to the poundage prices set forth in Table III, unless they are over 4% lighter or over 6% heavier than the weights specified, Except that for marquisettes and beat-up marquisettes are beat-up marquisettes. settes the appropriate yardage price shall ap-

ply to all weights of each construction specified.

The maximum price for 37" 136x60, 4.00 to 4.20 combed broadcloth on subcontracts entered into prior to January 13, 1943 under Army Invitation No. 669-43, Negotiated 161, dated November 28, 1942 is 19.00 cents per yard.

### Table I—Continued Type and construction of cloth-Continued

Marquisettes—Continued. per 39½"—60 x 34	r yard
39½"60 x 34	10.62
49''—60 x 34	11.77
40"-50 x 32 (ply filling)	16.32
50"—52 x 32 (ply filling)	19.85
Scrim:	
40''-38/80 x 36, 5.41	22.10
50"—38/80 x 36, 4.34	27.38
Fine combed plains:	
50"-22 x 20, 20.70	4.95
52''-28 x 24, 20,00	~5.87
52"—28 x 24, 14.65 36"—60 x 48, 10.00 47"—80 x 76, 5.41 62"—80 x 76, 3.93	6.34
36"—60 x 48, 10.00	8.80
47"-80 x 76, 5.41	20.52
62''—80 x 76, 3.93	27.39
Organdie:	
40"84 v 80 11 00 (neeler)	17,74
40''—84 x 80, 10.75 (pima)	17.50
40"—84 x 80, 10.75 (pima)————— 40"—84 x 80, 10.75 (foreign pima)—	16.15
45"-84 x 68, 10.50 (peeler)	19.49
45"—84 x 68, 10.50 (peeler)——————————————————————————————————	17.80
45"—84 x 68, 10.25 (pima)	19.25
45"—84 x 68, 10.25 (pima) 45"—84 x 80, 9.75 (peeler)	21.52
45"-84 x 80, 9.50 (foreign pima)	19.64
45"—84 x 80, 9.50 (pima)	21.15
Tunewriter cloth.	
40"—154 x 168, 5.98	51.03
40"—144 x 156-158, 5.27 (pima)	50.61
Umbrella cloth:	
26"—84 x 108 6 25	20.05
26"—84 x 108, 6.25 26"—104 x 108, 6.40	20.38
26"—72 x 84, 5.55	18.41
Collar cloth:	. 10. 11
40½"—102/206 x 64, 2.08	43 11
40"-96 x 112, 3.66	30.89
Poplins:	. 00.00
27"116 v 59 3 50	19 51
37"—116 x 52, 3.50 37"—136 x 72, 3.40	22.01
38"-102/206 x 48, 3.28	26 01
0711 110 + EC 2 25	91 81
37"—116 x 56, 3.25 37½"—102/208 x 48, 3.15	28 02
37"—136 x 60, 3.00	23 84
40½"—136 x 68, 2.50	98 52
Beat-ups (Marquisettes):	. 20.03
Dest-ups (Marquisertes).	7.13
39½"—36 x 16, 5.33 Extra (combed) = 39½"—48 x 22, 16.50 Extra	. 1.13
(Combed)	11 95
39½"—48 x 22, 16.50 Extra (Carded	. 11.20
211) -40 X 22, 10.00 EAUS (Carden	10 11
fiji)	. 10.11

391/2"--44

(Combed) \_\_

x 18,

7.50 Extra

### TABLE I-Continued

Type and construction of cloth-Continued

Cents
Sateens: per yard
38½"—84 x 136, 4.90 (Combed) 17.90
381/4"-84 x 136, 4.25 (Carded warp)
(Combed filling) 18.91
38½"-84 x 136, 4.25 (Combed) 20.39
43"136 x 96, 3.50 (Combed warp-
Carded filling) 23.05
39½"-96 x 160, 3.35 (Combed) 23.57
Tracing cloth:
35"—80 x 76, 6.90 13.35
41"—80 x 76, 5.85 15.41
48"—80 x 76, 5.00 17.49
36"88 x 92, 7.10 15.97
48"—88 x 92, 5.27 24, 68
Aeroplane ply yarns:
36½"—80 x 86, 4.00 41.99
39"—80 x 84, 3.61 42.85
Aeroplane merc. ply yarns:
36½"—80 x 84, 4.00 43.86
5072 —00 A 02, 3.004=2=2=2=2=2=2=2=

### TABLE II

The following provisions shall apply to un-

finished box-loom clip-spot marquisettes.
As used herein, the term "standard" means having a width of 35", 391/2", 46", or 48" and a total count per inch of 37 to 48 sley and 14 to 34 picks (including roving), inclusive. The term "base construction" means 391/2" 40 x 18, 40s or 50s combed warp, 40s or 50s, combed filling, 2 picks of 6.00 hank groy roving, 10 jumpers and/or 15 harnesses or

The base maximum price for standard unfinished box-loom clip-spot marquisettes shall be 8% cents per yard. For any standard construction other than the base construction the maximum price shall be the base maximum price adjusted upward or downward by the following per yard differentials.

A.	Width differentials.	
35".	deduct	\$0,0059
	add	.0084
48".	add	. 0224
	TTTuum distance tinto successi	

	35"	39½"	46"	48"
40s or 50s combed, where ground ends are more or less than 40 per inch: Grey, add or subtract for each two ends per inch. Pastel colors, add per end per inch. Empire colors, add per end per inch. 40s or 50s carded, subtract from combed for two ends per inch.	\$0.0013	\$0.0015	\$0.0017	\$0.0018
	.00041	.00047	.00054	.00057
	.00054	.00062	.00072	.00076
	.00012	.00014	.00016	.00017

### C. FILLING DIFFERENTIALS

	35"	391/2"	46"_	45"
1. Ground: 40s or 50s combed, where ground picks are more or less than 18 per inch: Grey, add or subtract for two picks per inch. Pastel colors, add per pick per inch. Empire colors, add per pick per inch. 2. Roving, subtract from combed for one pick per inch. 3. Roving, subtract \$0.009 and add per pick per inch: Grey: 4 hank 6 hank 10 hank 12 hank Pastel: 4 hank 6 hank 8 hank 10 hank 10 hank 10 hank 11 hank 12 hank 12 hank 13 hank 14 hank 15 hank 15 hank 15 hank 16 hank 17 hank 18 hank 19 hank	\$0.0033 .00046 .00050 .000053 .000053 .0011 .0033 .0023 .0027 .0050 .0050 .0050 .0050 .0050 .0050	\$0.0035 .00052 .00067 .00069 .0035 .0045 .0036 .0031 .0029 .0104 .0073 .0057 .0019	\$0.0037 .00060 .00078 .00070 .00071 .0051 .0035 .0035 .0036 .0054 .0054 .0054	\$0.0047 .00063 .00092 .000072 .0074 .0057 .0016 .0010 .0033 .0126 .0092 .0072 .0071 .0001
4 hank 6 hank 7 hank 8 hank 10 hank 12 hank 12 hank 12 hank 12 hank 13 hank 14 hank 15 hank 16 hank 16 hank 17 hank 18	.0073	.0113 .0091 .0063 .0053 .0047	.0130 .0093 .0072 .0060 .0054	0140 0101 0079 0067 0060

### D. PATTERN DIFFERENTIALS

	25"	0)[4"	49"	45"
Over 10 jumpers and/or 15 harness: Per yard per pick 2 shuttles Per yard per pick 3 and 4 shuttles	80.000114 .000160	80,000114 .000140	\$2,000143 .000175	82.603119 .003175

20/2 Carded cords (other than selvage): Add per end:

E. Loop cutting.

All widths\_\_\_\_\_\_.0033

F. Production differential.

After applying all necessary differentials add or subtract for each pick over or under an over-all count of 20 picks\_\_\_\_\_\_

.0003

TABLE III

The maximum price for any fabric covered by this regulation for which a specified price is not set forth or ascertainable from Tables I and II, shall be the applicable poundage price set forth below:

Price	(cents
Cloths: per	pound)
Lawn	75
Broadcloths	60
Voiles	75
Dimities	
Marquisettes	
Other fabrics	50

A seller may, however, request the Office of Price Administration to determine in place of such poundage price a special maximum price for a particular fabric. The request shall contain a complete description of the fabric (including the width; the cloth count; the weight; detailed production costs; and a statement of the price requested). Even if such a request has been made, the poundage price set forth above shall govern until the Price Administrator has issued a special maximum price.

§ 1316.5 What the contracts of sale and invoices must contain. (a) Every seller shall deliver to the purchaser at the time the contract is made a written contract of sale which shall contain:

The date on which the sale or contract of sale was made;

(2) A full description of the materials sold including:

(i) The width;

(ii) The cloth count;

(iii) The number of yards per pound;
(iv) Any feature of the cloth for which a premium is allowed or discount required;

(3) The quantity sold;

(4) The terms of sale; and

(5) The prices.

(b) With each delivery the seller shall transmit to the purchaser an invoice or similar document which shall either contain the information required by paragraph (a) above or make reference to the contract in which such information is set forth.

§ 1316.6 Prohibited practices. Any practice which is a device to increase the consideration obtained above the maximum price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making

use of commissions, services, premiums, special privileges, tying agreements, trade understandings and the like.

§ 1316.7 Applications for adjustment or petitions for amendment—(a) Government contracts. (1) The term "government contract" is here used to mean any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 1, 1941, entitled "An Act to promote the defense of the United States", or any subcontract under contracts with such persons.

(2) Any person who has made or intends to make a "government contract" and who thinks that a maximum price established by this Regulation is impeding or threatens to impede production of material which is essential to the war program and which is or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6° issued by the Office of Price Administration.

(3) As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to appropriate refund if the requested adjustment is denied in whole or in part. The seller must notify the buyer in writing that the delivery is made subject to this refund.

(b) Petitions for amendment. Any person seeking an amendment of any provision of this Regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration. In appropriate situations where a petition for amendment requires extended consideration the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the netition.

However, the filing of a petition shall not be construed as authorizing transactions at a price above the maximum price.

§ 1316.8 Records and reports—(a) Records. Every person making purchases or sales subject to the regulation shall keep for inspection by the Office of Price Administration for as long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records which will show a complete description of the items sold; the name and address of the buyer or seller; the date of the sale and the price paid or received.

(b) Reports. Persons affected by this regulation shall submit such reports to

the Office of Price Administration as it may, from time to time, require.

§ 1316.9 Enforcement. (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest district or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. The term "war procurement agencies"

means the War Department, the Department of the Navy, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or

any of their agencies.

§ 1316.10 Effective date. Maximum Price Regulation No. 11 (§§ 1316.1 to 1316.10 inclusive) shall become effective January 13, 1943: Provided, That up to and including February 12, 1943 deliveries against contracts entered into prior to January 7, 1943 at an agreed firm price may be made at prices in conformity with the regulation or price schedule applicable to such contracts at the time they were made.

Issued this 7th day of January 1943.

LEON HERDERSON,

Administrator.

[F. R. Doc. 43-329; Filed, January 7, 1943; 12:63 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Ration Order 2A, Amendment 22]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

A rationale for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

A new paragraph (p) is added to § 1360.372:

Persons Eligible to Acquire New Passenger Automobiles by Transfer With Certifi-

§ 1360.372 Eligibility classification.

(p) A full-time social worker, employed by a bona fide non-profit agency, who will use the automobile principally for one or more of the following purposes: to investigate the necessity for relief or to administer relief; to arrange for the placement of minors or aged, handi-

<sup>°7</sup> F.R. 5087, 5064.

<sup>\*</sup>Copies may be obtained from the Office

of Price Administration.

17 PR. 1542, 1647, 1756, 2103, 2242, 2305, 2303, 3097, 3492, 4343, 5464, 6349, 6332, 6424, 6301, 6775, 6364, 7149, 8333, 8335, 9316, 10222.

capped or indigent persons in foster homes or in institutions, and to inspect such foster homes or institutions; to investigate reported abuse, neglect or delinquency of minors; or to transport minors or aged, handicapped or indigent persons to foster homes or institutions or to transport persons to hospitals or clinics for treatment or diagnosis: Provided, That the applicant must present to the Board a statement from a responsible official of such social agency setting forth:

(1) That the automobile is to be driven by a full-time social worker to perform one or more of the purposes specified in this paragraph; and

(2) That the social agency employing

such worker is either:

(i) Licensed by the appropriate gov-

ernmental authority; or

(ii) A member of the local Community Chest, the local Council of Social Agencies, the State Conference of Social Work, the Family Welfare Association of America, or the National Travelers Aid Association; or

(iii) A bona fide non-profit agency carrying on one or more of the purposes specified in this paragraph, as evidenced by a certification of that fact by a responsible official of a social agency specified in (i) or (ii) hereof. Such certification shall be attached to the official statement,

### Effective Dates

§ 1360.442 Effective dates of amendments \* \* \*

(v) Amendment No. 22 (§ 1360.372) to Rationing Order No. 2A shall become effective January 13, 1943.

(Pub. Law 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 7th day of January 1943.

Leon Henderson,

Administrator.

[F. R. Doc. 43-381; Filed, January 7, 1943; 12:03 p. m.]

PART 1364—FRESH, CURED, AND CANNED MEAT AND FISH

[MPR 299]

SALES BY CANNERS OF TUNA, BONITO, AND YELLOWTAIL

In the judgment of the Price Administrator the prices of tuna, bonito, and yellowtail have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of tuna, bonito, and yellowtail prevailing between October 1, 1941 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established

by this regulation are and will be generally fair and equitable, and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been simultaneously herewith and has been filed with the Division of the Federal Register.\*

The maximum prices established herein are not below the average price of such commodities in the year 1941.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 299 is hereby issued.

AUTHORITY: §§ 1364.651 to 1364.662 inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1364.651 Prohibition against dealing in tuna, bonito, and yellowtail at prices above the maximum. On or after January 13, 1943, regardless of any contract, agreement or other obligation, no canner, or agent or other person acting on behalf, or under control, of such canner shall sell or deliver any tuna, bonito, or yellowtail, and no person in the course of trade or business shall buy or receive from a canner any tuna, bonito, or yellowtail at prices higher than those set forth in Appendix A hereof, incorporated herein as § 1364.662; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of tuna, bonito, and yellow-tail to a purchaser if prior to January 13, 1943, such tuna, bonito, or yellowtail has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1364.652 Conditional agreement. No canner of tuna, bonito, or yellowtail shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.662 in the event that this Maximum Price Regulation No. 299 is amended or is determined by a court to be invalid or upon any other contingency: Provided, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.

§ 1364.653 Export sales. The maximum price at which a person may export tuna, bonito, or yellowtail shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1364.654 Less than maximum prices. Lower prices than those set forth in § 1364.662 may be charged, demanded, paid, or offered.

§ 1364.655 Evasion. The price limitations set forth in this Maximum Price

• 17 F.R. 5059, 7242, 8829, 9000, 10530.

Regulation No. 299 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to tuna, bonito or yellowtail, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or style of processing or the canning, wrapping or packaging of tuna, bonito or yellowtail.

§ 1364.656 Records and reports. (a) Every person making a purchase or sale of tuna, bonito, or yellowtail in the course of trade or business, or otherwise dealing therein, after January 12, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, the quantity and a description of the grade or brand, style of pack, and container size of tuna, bonito, or yellowtail.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1364.657 Enforcement. (a) Persons violating any provision of this Maximum Price Regulation No. 299 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 299 or any price schedule, regulation, or order issued by the Office of Price Administration or of any act or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1364.658 Petitions for amendment. Any person seeking an amendment of any provision of this Regulation No. 299 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration.

§ 1364.659 Applicability of General Maximum Price Regulation.<sup>3</sup> The provisions of this Maximum Price Regulation No. 299 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>2</sup>7 F.R. 8961.

<sup>\*3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5783, 5784, 6058, 6081, 6007, 6216, 6615, 6784, 6939, 7993, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454.</sup> 

§ 1364.650 Definitions. (a) When used in this Maximum Price Regulation No. 299 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing: Provided, That no punishment provided by this regulation shall apply to the United States, or to any such government, political subdivision, or agency.
(2) "Canner" means a person who pre-

serves tuna, bonito, or yellowtail by processing and hermetically sealing in metal

containers.

- (3) "Tuna" means canned meat from the following species of fish caught in the Pacific Ocean: Albacore (Germo alalunga); skipjack (Katsuwomus pelamis); bluefin (Thunnus thynnus); and yellowfin (Neothunnus macropterus); and from bluefin (Sarda Sarda) caught in the At-
- lantic Ocean.
  (4) "White meat tuna" means albacore meat.
- (5) "Light meat tuna" means skipjack, bluefin, or yellowfin meat.
- (6) "Bonito" means canned meat from fish of the species bonito (Sarda Chitiensis).
- (7) "Yellowtail" means canned meat from fish of the species yellowtail (Seriola Dorsatis). (8) "Fancy" means choice cuts of
- cooked tuna from fish weighing not more than 60 pounds round weight, packed with large pieces of solid meat with the addition of one or two small pieces of solid meat, if necessary to bring the contents to required net weight, but not including any flakes added at the time of packing.

(9) "Choice cuts" means large choice pieces of cooked tuna composed of tender solid meat of selected light color and fine texture, free from dark meat, bones, skin, extraneous tissue, and any substance or

condition impairing quality.
(10) "Standard" means

wholesome cooked meat, regardless of size of fish, which when packed contains at least 75 percent large pieces of solid meat, free from dark meat, bones, skin, extraneous tissue, and debris.

(11) "Flakes" means small pieces of wholesome cooked meat not utilized in the packing of fancy or standard grades, but free from dark meat, bones, skin,

extraneous tissue, and debris.

(12) "Grated" means wholesome cooked meat not utilized in the pack of fancy or standard grades, mechanically reduced to small uniform pieces but free from dark meat, bones, skin, extraneous tissue and debris.

- (13) "Price per case" means the price for 48 cans of tuna, bonito, or yellowtail packed for shipmen' in the usual container.
- (14) "No. 1 Tuna tin" means a can 401x205.5.
- (15) "½ Tuna tin" means a can 307x
- (16) "1/4 Tuna tin" means a can 211x 109.

- (b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.
- § 1364.661 Effective date. This Maximum Price Regulation No. 299 (§§ 1364.-651 to 1364.662, inclusive) shall become effective January 13, 1943.

§ 1364.662 Appendix A: Maximum canners' prices for Tuna, Bonito, and Yellowtail. (a) The prices set forth below are maximum prices per case f. o. b. car at the shipping point nearest cannery. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts, and differentials to purchasers of different classes.

Youlet-	. Style of centeliner and price per cess			
Varicty	1 lb. Tuea	1/216. Taea	114 lb. Tana	
Albacore: Fancy Standard Grated Flake Light meat: Fancy Standard Grated Flake Bonito: Standard Flake Yellowid: Standard Flake Yellowid: Standard Flake	20000 00000 000 000 000 000 000 000 000	\$16.60 14.60 13.60 12.60 14.60 14.60 16.60 8.60 8.60 8.73	2.00 8.00 7.00 6.00 6.00 6.00 6.00 6.00 6.00 6	

(b) For varieties, container sizes, or types and styles of pack of tuna, bonito, and yellowtail not listed in paragraph (a) the price shall be a price determined by the Office of Price Administration to be in line with the prices listed in paragraph (a). Such determination shall be made upon written request, addressed to the Office of Price Administration, Washington, D. C., and accompanied by sworn statements showing costs and usual differentials.

Issued this 7th day of January 1943. LEON HENDERSON,

Administrator.

[F. R. Dec. 43-382; Flicd, January 7, 1943; 12:04 p. m.]

### PART 1372—SEASONAL COMMODITIES [MPR 298]

### ROTENONE

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales, other than at retail, of rotenone by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 298 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practical, the Price Administrator has advised and consulted with members of the industry affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as mended, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 293 is hereby issued.

Sca.

1372.151 Sales at retail.

Maximum prices for rotenons.

Applicability of the General Maxi-1372.152 1372.153 mum Price Regulation.

1372.154 Less than maximum prices.

1372,155 1372,156 Export sales.

Federal and State taxes. 1372,157 Patitions for amendment.

1372,159 Adjustable pricing.

1372,159 Evanion.

1372.160 Enforcement.

1372.161 Records and reports.

1372.162 Filing of prices and pricing methcds.

1372.163 Transfers of business or stock in trade.

1379.164 Definitions.

1373.165 Notification to the trade of price raduction.

1372.169 Effective date.

1372.167 Appendix A: Maximum price for rotenone roots.

1372.163 Appendix B: Manufacturer's maximum prices for rotenone products (unfinished).

1372.169 Appendix C: Manufacturer's maximum prices for dry finished rotenone insecticides not made from dust bases.

1372.170 Appendix D: Manufacturer's maximum prices for finished rotenone incecticides made from dust

baces. 1373.17! Appendix E: Manufacturer's maxi-

mum prices for other finished rotenone insecticides. 1372.172 Appendix F: Manufacturer's maximum prices which cannot be established under Appendix C,

D or E. 1372.173 Appendix G: Wholesaler's maximum prices for finished rote-none insecticides.

1372.174 Appendix H: Maximum which cannot be established under Appendix C, D, E, F or G.

Authority: §§ 1372.151 to 1372.174 inclucive, icrued under Pub. Laws 421 and 723, 77th Cong., and E.O. 9259, 7 FR. 7871.

§ 1372.151 Sales at retail. Maximum Price Regulation No. 144° as amended. establishes the maximum prices for sales at retail of agricultural insecticides, and Maximum Price Regulation No. 142 as amended, establishes maximum prices for sales at retail of household insecticides and, therefore, this Maximum Price Regulation No. shall not apply to sales at retail of rotenone described herein.

§ 1372.152 Maximum prices for rotenone. (a) On and after January 13,

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>17</sup> P.R. 8361.

<sup>\*7</sup> F.R. 3720, 5565, 7248.

<sup>\*7</sup> F.R. 3553, 3729, 5192, 5529.

1943, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver, other than at retail, rotenone roots, rotenone products (unfinished) and finished rotenone insecticides, and no person shall buy or receive, other than at retail, rotenone roots, rotenone products (unfinished) and finished rotenone insecticides, in the course of trade or business, at prices higher than the maximum prices set forth in the Appendices hereto, lettered A to H, incorporated herein as § 1372.167 to § 1372.174 inclusive, and no person shall agree, offer, solicit or attempt to do any of the foregoing: Provided, That the provisions of this Maximum Price Regulation No. 298 shall not apply to sales if, prior to January 13, 1943, the commodity was received for shipment to the purchaser by a carrier other than a carrier owned or controlled by the seller.

(b) The provisions of paragraph (a) of this section, prohibiting purchasers from paying in excess of the maximum prices, shall not be applicable to any war procurement agency or any contracting officer thereof, and any contracting officer or any paying finance officer of such agency shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 298 or by the Emergency Price Control

Act of 1942, as amended.

(c) The provisions of paragraph (a) of this section prohibiting persons from selling finished rotenone insecticides at prices in excess of the maximum prices established herein shall not apply to sales of finished rotenone insecticides still in the hands of and owned by wholesalers, and which shall have been de-livered to them, prior to the effective date of this regulation.

§ 1372.153 Applicability of General Maximum Price Regulation. The provisions of this Maximum Price Regulation No. 298 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1372.154 Less than maximum prices. Lower prices than those set forth in this Maximum Price Regulation No. 298 may be charged, demanded, paid or offered.

§ 1372.155 Export sales. The maximum price at which a person may export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation 5 issued by the Office of Price Administration.

§ 1372.156 Federal and State taxes. Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such com-

modity and in preparing the records of such seller with respect thereto:

(a) As to a tax in effect during March 1942. (1) If the seller paid such tax, or if the tax was paid by any prior vendor. irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during March 1942 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such caseshall be regarded as having included such amount in determining the maximum price under this Maximum Price Regulation No. 298.

(2) In all other cases if, at the time the seller determined his maximum price, the statute or ordinance imposing such tax did not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller did state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 298.

(b) As to a tax or increase in a tax which becomes effective after March 31, 1942. If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and col-lected from the seller by the vendor from whom he purchased; except that the tax on transportation imposed by section 620 of the Revenue Act of 1942 shall, for the purposes of determining the applicable maximum price of any commodity subject of this regulation, be treated as though it were an increase of 3% in the amount charged by any person transporting the commodity for hire. and it shall not be treated under any provision of this regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.

§ 1372.157 Petitions for amendment. Any person subject to any provision of this Maximum Price Regulation No. 298 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,° issued by the Office of Price Administra-

§ 1372.158 Adjustable pricing. Any person may offer or agree to adjust to or fix at prices not in excess of the maximum prices in effect at the time of delivery. Where a petition for amendment under § 1372.157 has been duly filed, and requires extended consideration, the Administrator may, upon application, grant permission to the seller to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition thereof.

§ 1372.159 Evasion. The price limitations set forth in this Maximum Price Regulation No. 298 shall not be evaded. whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to rotenone roots, rotenone products (unfinished) or finished rotenone insecticides, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tyingagreement, or other trade understanding or otherwise; without limiting the generality of the foregoing, the price limitations set forth in Maximum Price Regulation No. 298 shall not be evaded by improper classification of any rotenone roots, rotenone products (unfinished) or finished rotenone insecticides, improper application of extras, splitting of orders into small quantities or exchange of formulae in order to increase prices, or by decreasing or discontinuance of cash discounts.

§ 1372.160. Enforcement. (a) Persons violating any provisions of this Maximum Price Regulation No. 298 are subject to the criminal penalties, civil enforcement, actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 298 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field, or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1372.161 Records and reports. (a) Each person selling within the continental United States rotenone roots. rotenone products (unfinished) or finished rotenone insecticides other than at retail, shall preserve and keep for inspection by the Office of Price Administration, for as long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, all available records of prices, costs, pricing methods, delivery charges, allowances and discounts, on all sales of rotenone roots, rotenone products (unfinished) and finished rotenone insecticides made by such seller since January, 1941.

(b) Persons affected by this Maximum Price Regulation No. 298 shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1372.162 Filing of prices and pricing methods. (a) Each person selling other than at retail any rotenone product shall report to the Office of Price Administration in Washington, D. C., within ten days after its determination,

<sup>47</sup> F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 6939, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454. <sup>6</sup>7 F.R. 5059, 7242, 8829, 9000, 10530.

<sup>67</sup> F.R. 8961.

his maximum price for each of his rotenone products, except roots, powder, resin, chemically pure rotenone, technically pure rotenone, solvate, or products priced in § 1372.168 (Appendix B hêreof. Such maximum price shall be reported for each class of purchaser and for each kind and type of package. Each product shall be described by brand or trade mark, if any, and by the kinds and amounts of ingredients contained in the product.

(b) Each person selling liquid extract shall report to the Office of Price Administration in Washington, D. C., within ten days after the price was determined, an explanation of how he computed his maximum price for such

liquid extract.

(c) Each person who establishes a maximum price for a rotenone insecticide under the provisions of Appendix F hereof, shall report within 10 days after the establishment of such price to the Office of Price Administration in Washington, D. C., an explanation of how he computed his maximum price.

- § 1372.163 Transfers of business or stock in trade. If the business, assets, or stock in trade of any person producing rotenone roots, rotenone products (unfinished) or finished rotenone insecticides are or have been sold or otherwise transferred after March 1, 1942, and the transferee carries on the business or continues to produce rotenone roots, rotenone products (unfinished) or finished rotenone insecticides in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the tansfer which are necessary to enable the transferee to comply with the record and filing of price provisions of this regula-
- § 1372.164 Definitions. (a) When used in this Maximum Price Regulation No. 298 the term:
- (1) "Rotenone" means the chemical compound having the formula C.H.O.
- (2) "Pure rotenone" means rotenone which would be indicated as present in the rotenone-bearing material by the analytical method developed by Jones and Graham and adopted as "official, first action" by the Association of Official Agricultural Chemists.

(3) "Chemically pure rotenone" means crystals of pure rotenone CmHmO.

- (4) "Powder" means ground rotenone root, sufficiently fine so that 90 per cent of the ground material will pass through a 200-mesh sieve. "Powder" includes a blend of two or more lots of ground root but does not include material containing any substance other than ground rotenone bearing root.
- (5) "Resin" means the dry, undiluted product, consisting of rotenone and rotenoids, which may be extracted from

rotenone bearing material with ethyl ether.

(6) "Liquid extracts" means resins in solution.

(7) "Technically pure rotenone" means crystals containing at least 90 per cent pure rotenone.

(8) "Solvate", as used in this regulation, means a compound of rotenone and carbon tetrachloride containing at least 71 per cent pure rotenone.
(9) "Rotenone roots" means roots dug

from the ground, whole or chopped, such as timbo, barbasco, cube or derris root,

which contain rotenone.

(10) "Dust base" means any rotenone bearing material, other than powder, resin, or liquid extract, sold to a commercial purchaser to be mixed with-inert materials, other insecticides, or fungicides in the preparation of a dry, finished, rotenone insecticide known as

a dust.
(11) "Rotenone products (unfinished)" means preparations made in whole or in part from rotenone roots, which are not finished insecticides but which may be materials in the manufacture of finished rotenone insecticides. Powder, when sold by a manufacturer of powder or by an importer or foreign shipper, shall be considered a rotenone product (unfinished); but when sold by a wholesaler or dealer shall be considered a finished rotenone insecticide.

(12) "Finished rotenone insecticides" means products containing rotenone and used for control of insects, when sold in a form commonly purchased by con-

(13) "Manufacturer" means any person who grinds, extracts, mixes, reconditions or otherwise processes rotenone bearing roots or rotenone products to produce other rotenone products or finished rotenone insecticides.

(14) "Wholesaler", for the purposes of this regulation, means a person other than a manufacturer who sells the commodity being priced to a dealer.

(15) "Dealer", for the purposes of this regulation, is a person other than a manufacturer or wholesaler who sells at retail the commodity being priced.

§ 1372.165 Notification to the trade of price reductions. If reductions of maximum prices for dry, finished rotenone, insecticides are effected under the operation of Appendix C, D, or G, hereinbelow set forth, the manufacturer or wholesaler, as the case may be, shall attach to his first outgoing involces sent to each purchaser, after the price reduction becomes effective, and shall enclose in each carton, box or other shipping package, with the legend stamped thereon "Price Reduction Notification Enclosed", first shipped by him to each purchaser after the price reduction becomes effective, the following notification:

Under an OPA maximum price regulation the manufacturer of \_\_\_

(name of product)
required to reduce his celling price by 8......
Wholesalers and retailers are required to reduce their ceiling prices of the product by the same amount. OPA requires you to preserve this notice.

§ 1372.166 Effective date. This Maximum Price Regulation No. 293 shall become effective January 13, 1943.

§ 1372.167 Appendix A: Maximum price for rotenone roots. (a) The maximum price for root containing not more than 12 per cent moisture, seller to pay all costs of freight, insurance, entry, analysis, weighing, and the like, shall be the sum of (1) the price paid f. o. b. foreign shipping point, landed weight basis, (2) transportation costs by boat or boat and rail from shipping point to United States port, (3) marine and war risk insurance at lowest available rates, and (4) one and one-quarter cents (\$.0125) per pound of landed weight.

(b) For lots of root containing more than 12 per cent moisture, the maximum price calculated in (a) above shall be adjusted downward so that the buyer does not pay more for the lot, including freight, marine and war risk insurance and importer's margin, than he would if the lot had contained 12 per cent moisture when landed at United States port.

§ 1372.168 Appendix B: Manufacturers' maximum prices for rotenone products (unfinished)

1. Powder. The maximum price shall be (a) for powder containing 5% pure rotenone. 35 cents per pound f. o. b. manufacturer's plant or f. o. b. port of entry when sold by an importer or foreign shipper; (b) for powder containing more than 5 per cent pure rotenone, 35 cents per pound plus 6 cents for each 1 per cent (unit) of pure rotenone more than 5 per cent (5 units); (c) for powder containing less than 5 per cent pure rotenone, 35 cents minus 6 cents for each 1 per cent (unit) of pure rotenone less than 5 per cent (5 units); (d) for powder in less than 200-pound lots, the maximum price determined under (a), (b), or (c), plus 10 per cent. For the purposes of this paragraph, the pure rotenone content shall be computed to the nearest tenth of one per cent (nearest tenth of one unit).

- 2. Recin. (a) The maximum price shall be 63.25 per pound f. o. b. manufacturer's plant.
  3. Liquid extract. (a) The maximum price per gallon f. o. b. manufacturer's plant shall be the cum of the number of pounds of 30% rotenone resin required to make one gallon of liquid extract, multiplied by \$2.55 per pound of such resin, plus the cost of one gallon of the solvent used in the manufacture of the liquid extract, plus 25 cents for each 1% of rotenous contained in the liquid extract.
- 4. Chemically pure rotenone. (a) The maximum price chall be \$12.25 per pound 1. o. b. manufacturer's plant.
- 5. Technically pure rotenone. (a) The maximum price shall be 89.75 per pound f. o. b. manufacturer's plant.

6. Solrate. (a) The maximum price shall be 87.75 per pound f. o. b. manufacturer's

7. Other rotenone products (unfinished).
(a) The maximum price shall be determined by the celler after specific authorization from the Oille of Price Administra-A celler who ceeks an authorization to determine a maximum price under the provision of this paragraph shall file with the Office of Price Administration in Wash-

ington, D. C., an application setting forth (i) a description of the commodity for which a maximum price is sought, (ii) a list of materials used in the manufacture of the commodity, (iii) an outline of the manufacturing process, (iv) the seller's cost of

raw materials, packages, manufacturing and other expenses, (v) changes in the selling price since January 1, 1941, and (vi) the seller's maximum price under the General Maximum Price Regulation. When such When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been defer-mined, the seller shall certify the price to the Office of Price Administration in Washington, D. C. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(b) If the seller has a maximum selling price under the General Maximum Price Regulation for the product, he shall continue to use such maximum selling price until a maximum price has been established under (a) above; but within 30 days after the effective date of this regulation, he shall apply for such maximum price.

§ 1372.169 Appendix C: Manufacturer's maximum prices for dry, finished rotenone insecticides not made from dust bases: The price shall be the lower of the following:

1. The highest price charged to a purchaser of the same class in March, 1942, or 2. A price computed by adding items (a),

(b), (c), and (d), below:
(a) The price most frequently charged to a purchaser of the same class in June, 1941, or on the latest date prior to June, 1941, on

which the product was sold,
(b) The increase in the cost of pure rotenone guaranteed in the product, between the first half of 1941 and December 31, 1942, calculated according to the following provisions:

(i) Manufacturers who do not process root:

The increase in the cost of rotenone shall be calculated by determining the average delivered cost of rotenone purchased in the period January-June, 1941, inclusive (or, if no such purchase was made in such period, the delivered cost of rotenone purchased on the latest date prior to January 1, 1941), and by subtracting such delivered cost from the maximum delivered cost of rotenone contained in the same type and quality of rotenone-bearing material on December 31, 1942; but such increase in cost of pure rotenone shall not exceed \$3.40 per pound of pure rotenone contained in the finished product.

(ii) Manufacturers who process imported

root:

The increase in the cost of rotenone shall be calculated by multiplying the pounds of pure rotenone guaranteed in the finished

product by \$3.10.

(c) The difference between the delivered cost of packages and raw materials other than rotenone on the latest dates prior to July 1, 1941, on which purchases of such commodities were made, and the maximum delivered cost, of the same items on December 31, 1942;

(d) Forty cents per hundred pounds, or \$0.004 per pound, of the finished product.

- § 1372.170 Appendix D: Manufacturer's maximum prices for finished rotenone insecticides made from dust bases. The maximum price shall be thelower of the following:
- 1. The highest price charged to a purchaser of the same class in March, 1942, or

2. A price computed by adding items (a), (b), and (c) below:

(a) The price most frequently charged to a purchaser of the same class in June, 1941, or on the latest date prior to June, 1941 on which the product was sold.

(b) The increase in the delivered cost of all raw materials and packages between June, 1941, or on the latest date prior thereto on which such commodities were purchased, and the maximum delivered cost of the same commodities on December 31, 1942.

(c) Forty cents per hundred pounds, or \$0.004 per pound, of the finished product.

§ 1372.171 Appendix E: Manufacturer's maximum prices for other finished rotenone insecticides. The maximum price shall be the highest price for which the insecticide was sold or delivered in March 1942, to a purchaser of the same class; or if no sale or delivery was made in March 1942, the highest price at which the insecticide was offered for sale and delivery in March 1942, to a purchaser of the same class.

§ 1372.172 Appendix F: Manufacturer's maximum prices which cannot be established under Appendix C, D or E. (a) If a seller cannot determine his maximum price under the above provisions, he shall select the finished rotenone insecticide most closely similar to the product being priced and for which a maximum price has been established, and he shall add to (if the cost of the product being priced is greater) or subtract from (if such cost is less) the maximum price of the similar product the difference between the total cost of all raw materials and packages used in the manufacture of the similar product and the total cost of all raw materials and packages used in the manufacture of the product being priced.

(b) If the product being priced is a dry, finished insecticide and the seller is no longer selling a similar product, but sold a similar product in 1941, he shall compute the maximum price for the similar product according to the formula in Appendix C; and he shall add to (if the cost of the product being priced is greater) or subtract from (if such cost is less) the maximum price so computed, the difference between the total cost of all raw materials and packages which would be used in the manufacture of the similar product and the total cost of all raw materials and packages used in the manufacture of the product being priced.

§ 1372.173 Appendix G: Wholesaler's maximum prices of finished rotenone insecticides. The maximum price at which a wholesaler may sell to a dealer shall be determined in the following manner:

(a) If the maximum price which may be charged by the manufacturer from whom the wholesaler buys the commodity is not changed by this regulation, the wholesaler's maximum selling price shall be the highest price at which he delivered or offered for delivery the commodity in March 1942.

(b) If the maximum price which may be charged by the manufacturer from whom the wholesaler buys the commodity is reduced by this regulation, the wholesaler's maximum selling price shall be reduced by a like amount in dollars and cents.

(c) If the wholesaler did not sell the commodity in March 1942, he shall establish his maximum selling price by adding to his delivered cost of the commodity the dollar and cent margin between his delivered cost and his maximum sellingprice on the commodity most closely similar to the commodity being priced.

§ 1372.174 Appendix H: Maximum prices which cannot be established under Appendix C, D, E, F or G. (a) If a seller cannot determine his maximum price under any of the provisions of Appendix C, D, E, F or G, he shall take as his maximum price the maximum price of the closest competing seller of the same class.

(b) If a seller cannot in anywise determine his maximum price, he shall apply to the Office of Price Administration in Washington, D. C., for authorization to establish a maximum price, in accordance with the provisions of § 1499.3 (b) of the General Maximum Price Regulation as amended.

Issued this 7th day of January, 1943. LEON HENDERSON, Administrator.

JF. R. Doc. 43-383; Filed, January 7, 1943; 12:05 p. m.]

> PART 1381-SOFTWOOD LUMBER [MPR 219,1 Amendment 1]

NORTHEASTERN SOFTWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued herewith and has been filed with the Division of the Federal Register.

Section 1381.309 is amended by adding paragraph (e).

§ 1381.309 Transportation charges.

(e) Where lumber is shipped by rail from a mill having milling-in-transit arrangements with a carrier to a planing mill, owned by the same person, for further processing before delivery to the purchaser, that person may apply for permission to figure transportation charges on the basis of the through rail freight rate from the first mill to final destination in the following case:

(1) Where the hurricane of September 1938 damaged and destroyed a substantial portion of the timber near which the planing mill had been located so that the mill has been compelled to rely primarily on more distant sources of tim-

ber: and

(2) Where it has not been practicable to move the planing mill near other sources of timber because of excessive moving costs, shortages of mill labor and insufficient standing timber in any single location to warrant moving the mill.

The application should be made by letter to the Lumber Branch, of the Office of Price Administration, Washington, D. C., and may be acted upon by letter. The addition may not be made on quotations or sales until permission has been received.

§ 1381.314a Effective dates of amendments.

(b) This Amendment No. 1 (§ 1381.309) to Maximum Price Regulation No. 219 shall become effective January 13, 1943.

Copies may be obtained from the Office of Price Administration. 17 F.R. 7285, 7747, 8949.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of January 1943.

LEON HENDERSON,

Administrator.

[F. R. Doc. 43-384; Filed, January 7, 1943; 12:03 p. m.]

PART 1390—MACHINERY AND TRANSPORTA-TION EQUIPMENT

[MPR 136 as Amended, Amendment 65] MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.

In § 1390.32 (h) the term "Portable heating, melting, burning, and thawing equipment" is amended to read "Portable heating, melting, burning, and thawing equipment for industrial and transportation purposes (not including mechanic's fire pots and blow torches)".

§ 1390.31a Effective dates of amendments. \* \* \*

(nnn) Amendment No. 65 (§ 1390.32 (h)) to Maximum Price Regulation No. 136, as amended, shall become effective January 13, 1943.

Issued this 7th day of January 1943. Leon Henderson,

[F. R. Doc. 43-385; Filed, January 7, 1943; 12:03 p. m.]

Administrator.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C.2 Amendment 10]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this Amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Regisfer.\*

The word "or" at the end of subparagraph (3) of § 1394.8014 (a) is deleted; the period at the end of subparagraph (4) is deleted and a semicolon followed by the word "or" is substituted therefor; subparagraph (1) of paragraph (a) of § 1394.8014 is amended: a new subparagraph (iv) to § 1394.7851 (b) (2), a new subparagraph (5) to § 1394.8014, and a new paragraph (j) to § 1394.3352 are added; as set forth below:

### Special Rations

§ 1394.7851 Application for special ration. \* \* \* \* (b) \* \* \*

\*Copies may be obtained from the Office of Price Administration.

(2) \* \* \*

(iv) To tow a house trailer in connection with a bona side change in residence of the person entitled to the use thereof, or to a site where such trailer is to be used as necessary housing for a person in connection with his occupation.

General Provisions With Respect to Issuance of Rations and Tire Inspection Records

§ 1394.8014 Issuance of rations notwithstanding ownership of excess tires.

(1) Such other tires have been acquired pursuant to a certificate issued under the Revised Tire Rationing Regulations or Ration Order No. 1A, or such tires are held for a purpose for which a certificate authorizing the acquisition of tires or recapping services may be obtained under Ration Order No. 1A and are not in excess of the number which would preclude a person from obtaining such a certificate, or the possession and use of such tires is otherwise expressly permitted or authorized by the Office of Price Administration or by the War Production Board.

(5) Such other tires are held for use in moving house trailers by persons regularly engaged in the business of towing house trailers: Provided, That no such person shall own or keep for such use more than eight (8) passenger-type tires for each establishment, plus four (4) additional passenger-type tires for each separate branch at which a tow car is regularly kept: Provided further, That the number of passenger-type tires which may be retained for such purpose shall be reduced by the number of other type tires which are similarly held.

### Effective Dates

§ 1394.8352 Effective dates of amendments. \* \* \*

(j) Amendment No. 10 (§§ 1394.7851 (b) (2) (iv), 1394.8014 (a) (1) and (5)) shall become effective January 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 7th day of January 1943.

Leon Hemberson,

Administrator.

[F. R. Doc. 43-392; Filed, January 7, 1943; 2:16 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL FRODUCTS

[Ration Order 11,1 Amendment 23]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.°

In § 1394.5260, a new paragraph (d) has been added: in § 1394.5261, paragraph (a) is amended by inserting the phrase "Subject to the provisions of paragraph (e) of this section" before the phrase "the allowable ration"; paragraph (b) is amended by inserting the phrase "Subject to the provisions of paragraph (e) of this section" before the phrase "the allowable ration"; paragraph (c) is amended by deleting the period after the word "Board" and adding after the word "Board" the phrase "subject, however, to the provisions of paragraph (e) of this section"; and a new paragraph (e) is added to said section; a new paragraph (c) is added to § 1394.5851; and a new paragraph is added to § 1394.5902: as set forth below:

### Heat and Hot Water Rations

§ 1394.5260 Application for ration for heat or hot water in premises other than private dwellings.

(d) In the case of all applications made in the States enumerated in paragraph (e) of § 1394.5261, the applicant shall certify upon the application the percentage of the floor area of the premises, which is used for residential purposes.

§ 1394.5261 Determination of allowable ration for heat or hot water in premises other than private dwellings. \* \* \*

a (e) The allowable ration for the operation of oil burning equipment designed for, and furnishing heat, or both heat and hot water, to all or part of any premises other than a private dwelling in the states of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbla in all Thermal Zones, shall be determined as follows:

(1) The Board shall determine the applicant's allowable ration in accordance with paragraphs (a), (b) or (c) of this section, before any deduction is made for fuel oil on hand. The Board shall then detach from the applicant's coupon sheets (whether issued or to be issued) the number of unit value coupons corresponding with the percentage of floor area (as shown in Columns (2) to (9), inclusive, of Table VI of § 1394.5851 (c)) which the applicant shall certify is used for residential purposes, for such allowable ration (as shown in Column 1 of said Table VI). Where the applicant's allowable ration (before inventory deduction) is not a multiple of 100 gallons, the nearest multiple of 100 in Column 1 of Table VI to such allowable ration, shall be used by the Board for the purpose of determining the number of such coupons to be detached. The Board may detach such number of change coupons as shall be necessary to account for units for which coupons cannot be detached.

(2) The provisions of subparagraph (1) of this paragraph shall be applicable to all rations for such purposes heretofore as well as those hereafter issued.

<sup>17</sup> F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556

<sup>27</sup> FR. 9135, 2787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070, 8 FR. 179.

<sup>&</sup>lt;sup>17</sup> FR. 8420, 8703, 8209, 8897, 9316, 9393, 9492, 9427, 9430, 9621, 9784, 10163, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 8 FR. 165.

(3) Every person in the states enumerated in this paragraph, to whom a ration for the said purposes was issued prior to January 15, 1943 shall upon receipt of written notice from the issuing Board surrender (in person or by mail) the coupon sheets representing his ration to the Board so that the Board may detach the coupons therefrom as provided in subparagraph (1) of this paragraph.

At the time he surrenders his coupon sheets, he shall certify the percentage of the floor area of the premises used for residential purposes. If he appears personally, such certification shall be made upon the application for the original ration. If surrender is made by mail, such certification shall accompany the

coupon sheets.

• (4) The units to be deducted shall be divided equally, insofar as possible, among all unexpired thermal periods. The Board shall enter upon the appli-

cant's coupon sheets, under the Record of Deliveries, the date, the number and kind of coupons detached, the number of the Board, and the member of the Board making the entries.

(5) The Board shall, on February 1, 1943, report to the nearest State or District Office having jurisdiction of the area in which the Board is located, the name and address of any consumer who was required to and failed to surrender his coupon sheets pursuant to subparagraph (3) of this paragraph.

(6) On or after February 1, 1943, no dealer or supplier shall transfer fuel oil to a person in the states enumerated in this paragraph, who was required and failed to surrender his coupon sheets to the issuing Board in accordance with subparagraph (3) of this paragraph, and who was reported as such by the Board pursuant to subparagraph (5) of this paragraph.

§ 1394.5851 Tables \* \* \*

(c) Table VI: Total number of units to be removed from coupon sheets according.

(c) Table VI: Total number of units to be removed from coupon sheets accordingto allowable ration and percentage of residential area of premises other than a private dwelling.

(1) .	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Total allowa- ble ration	ration							
(before in- ventory de- duction) (gallons)	0	1-9	10-19	20-29	30-39	40–49	50-59	60-69
100	Units 1 3 4 6 7 9 10 112 133 115 - 60 755 120 450 60 1,050 1,250 1,250 1,250 1,250 1,250 1,250 1,250 1,250 1,550 2,600 7,500	Units  1 3 4 6 7 8 10 113 128 43 425 427 577 1,140 11425 24,275 5,700 7,125	Units 1 2 4 5 5 6 8 9 9 10 11 13 25 5 11 5 11 5 12 7 7 6 8 8 9 10 2 5 5 1 12 7 7 6 5 7 6 7 7 7 5 5 5 1 1 2 7 5 5 5 1 0 2 0 6 3 7 5 5 5 1 0 2 6 6 3 7 5 6 6 3 7 5 6 6 3 7 5 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 3 7 5 6 6 6 6 7 7 5 6 6 6 7 7 5 6 6 6 7 7 5 6 6 6 7 7 5 6 6 6 7 7 5 6 6 6 7 7 5 6 6 7 7 5 6 6 7 7 5 6 6 7 7 5 6 7 7 7 5 6 7 7 7 5 6 7 7 7 5 6 7 7 7 5 6 7 7 7 7	Units 1 2 3 4 6 7 8 9 10 111 22 34 45 56 67 70 90 101 112 22 23 45 101 112 22 23 45 56 67 70 90 1,125 2,250 2,250 2,375 4,500 5,625	Units 1 2 3 4 4 5 6 6 7 7 8 9 10 19 29 49 58 83 97 195 222 390 44 87 585 5 585 27 80 2 925 3,900 4,875	Units 1 2 2 3 3 4 5 6 7 8 16 25 8 8 16 25 8 8 247 8 8 247 330 8 4 10 8 8 10 8 10 8 10 8 10 8 10 8 10	Units 1 1 2 2 3 3 3 4 4 5 5 5 6 7 13 20 7 27 24 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	Units  0 1 2 2 3 3 4 4 4 5 5 10 16 26 31 37 42 47 62 105 157 210 26 316 367 420 472 472 472 472 472 472 472 472 472 472

§ 1394.5902 Effective dates of corrections and amendments. \* \* \*

(w) Amendment No. 23 (§§ 1394.5260, 1394.5261 and 1394.5851) to Ration Order No. 11 shall become effective January 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 421; Pub. Law 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of January 1943.

Leon Henderson,

Administrator.

[F. R. Doc. 43-393; Filed, January 7, 1943; 2:16-p. m.] PART 1391—BICYCLES AND BICYCLE EQUIP-

[Rev. Ration Order 7, Amendment 6]

NEW ADULT BICYCLE RATIONING REGULATIONS

A rationale for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Sections 1391.9 (d); (f) and (g), 1391.12 (a), (b), (c) and (d) are amended to read as follows:

§ 1391.9 Action by Board. \* \* \*

(d) The action of the Board upon an application, the reasons therefor when denied and the serial number of any certificate issued shall be noted upon the application and signed by one member of the Board. The application shall then be filed by the Board among its records.

(f) The Board shall indicate whether a certificate authorizes acquisition of a new adult bicycle for use or for salvage, and shall enter on Parts A, B and C of the certificate the number of bicycles which may be acquired pursuant thereto. It shall indicate on Parts A, B and C of the certificate the number of the Board and its address, and the name and address of the person to whom the certificate is issued. No certificate shall be valid unless signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated

to act as issuing officer.

(g) When all the foregoing steps have been taken the Board shall issue the certificate by mailing it to the applicant at the address appearing on the application or by notifying the applicant to appear at the office of the Board and receive it. If the Board has any doubt as to the identity of the applicant or as to whether or not the address appearing on the certificate is the correct one, it shall require the applicant to appear at the office of the Board and to give such additional information as the Board may require before receiving the certificate.

§ 1391.12 Use of certificate. (a) A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purposes specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing Board.

(b) An applicant shall sign Part A of the certificate in the presence of the transferor and shall satisfactorily identify himself before accepting delivery of a new adult bicycle, except that in purchases by mail the applicant shall sign the certificate before mailing.

(c) Upon receipt of a certificate, Part A of which has been signed by the person to whom the certificate was issued, the dealer or other transferor may transfer a new adult bicycle to such person: Provided, however, That a new adult bicycle may be shipped or delivered only to the address appearing on the certificate.

(d) Upon delivery of a new adult bicycle, the transferor shall complete and return Part C of the certificate to the transferee. The transferor shall complete, sign, and forward Part A of the certificate to the Office of Price Administration, Inventory Unit, within three days after delivery of such bicycle.

### Effective Dates

§ 1391.37 Effective dates of amendments. \* \* \*

(f) Amendment No. 6 (§§ 1391.9 (d) (f) and (g), 1391.12 (a), (b), (c), and (d)) to Revised Ration Order 7 shall become effective January 13, 1943.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

(Pub. Law 421, 77th Cong., 2d sess., W.P.B. Dir. No. 1, Supp. Dir. No. 1-G, 7 F.R. 562, 3546)

Issued this 7th day of January 1943.

LEON HENDERSON,

Administrator.

[F. R. Doc. 43-386; Filed, January 7, 1943; 12:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 1 to Third Rev. Zoning Order 1 Under Rationing Order 3 1]

#### SUGAR RATIONING REGULATIONS

Those parts of paragraph (a) of § 1407.281, Third Revised Zoning Order No. 1, which establish Zones 2, 3, 4, and 11, are amended, and a new Zone 3-A is added to paragraph (a) of § 1407.281, and paragraphs (c) and (e) of § 1407.281 are amended, as set forth below:

§ 1407.281 Establishment of zones; authorization of certain-deliveries, shipments and transfers. (a) The following zones are hereby established:

Zone 2 shall include the States of Connecticut and New York; and Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Sussex and Union Counties in the State of New Jersey.

Zone 3 shall include the State of Delaware; that part of the State of New Jersey not included in Zone 2; and all of the State of Pennsylvania except Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cumberland, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Juniata, Lawrence, Mifflin, Perry, Somerset, Washington, Westmoreland and York Countles.

Zone 3-A shall include that part of the State of Pennsylvania not included in Zone 3. Zone 4 shall include the State of Maryland; the District of Columbia; Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral and Morgan Counties in the State of West Virginia; Accomac, Arlington, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Loudoun, Madison, Northampton, Page, Prince William, Rappahannock, Shenandoah, Stafford, and Warren Counties and the independent cities of Alexandria and Winchester in the State of Virginia.

Zone 11 shall include Brooke, Hancock, Marshall and Ohio Counties in the State of West Virginia; that part of the State of Ohio not included in Zone 8; and all points in the State of Indiana not included in Zone 8 where the base rate is based on shipments from Baltimore, Maryland.

(c) Sugar may be delivered, shipped or transferred as follows: (1) From Zone 1 to any point in Zone 1-A; (2) From Zone 2 to any point in Zone 1-A; (3) From Zone 3 to any point in Zone 3-A; (4) From Zone 4 to any point in Zone 3-A; (5) From Zone 12 to any point in Zones 9 or 11.

<sup>1</sup>7 F.B. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937, 7289, 7321, 7406, 7510, 7557, 8402, 8655, 8710, 8739, 8809, 8830, 8831, 9042, 9396, 9460, 9899, 10017, 10258, 10556, 10845.

- (e) Any carrier who has, prior to the effective date of this Amendment No. 1 to Third Revised Zoning Order No. 1, accepted sugar for a delivery, shipment or transfer not at that time prohibited by \$\frac{8}{1407.168}\$ and \$1407.231\$ may complete such delivery, shipment or transfer after the effective date of this Amendment No. 1 to Third Revised Zoning Order No. 1.
- (g) Amendment No. 1 to § 1407.231, Third Revised Zoning Order No. 1 (those parts of paragraph (a) of § 1407.231, which establish Zones 2, 3, 4, and 11, and Zone 3-A of paragraph (a) of § 1407.231, and paragraphs (c) and (e) of § 1407.281) shall become effective January 7, 1943

Issued this 7th day of January 1943.

HAROLD B. ROWE, Director, Food Rationing Division.

[F. R. Doc. 43-388; Filed, January 7, 1943; 12:05 p. m.]

PART 1499—COMMODITIES AND SERVICES
[GMPR. Amendment 40]

## CERTAIN SALES OR DELIVERIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Section 1499.9 (b) (5) is amended to read as set forth below:

- § 1499.9 (b) This regulation shall not apply to the following sales or deliveries:
- (5) By hotels, restaurants, soda fountains, bars, cafes, caterers, or other similar eating establishments, of meals, servings of food portions customarily served separately or as part of a meal, or beverages mixed or prepared by the seller.
- § 1499.23a Effective dates of amend-
- (oo) Amendment No. 40 (§ 1499.9 (b) (5)) to the General Maximum Price Regulation shall become effective January 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of January 1943.

Leon Hemberson,
Administrator.

[F. R. Doc. 43-387; Filed, January 7, 1943; 12:04 p. m.]

[Order 207 Under § 1499.3 (b) of GMPR]

PART 1499—COMMODITIES AND SERVICES

S. C. JOHNSON & SON. INC.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

\*Copies may be obtained from the Office of Price Administration.

- § 1499.1443 Approval of maximum prices for Johnson's Paste Wax. (a) On and after January 8, 1943 S. C. Johnson and Son, Inc. may sell and deliver Johnson's Paste Wax packaged in six ounce glass containers to wholesalers and jobbers at prices not in excess of those hereinafter set forth:
- 0.179 when included in an order for 100 lb. or more of wax merchandles, f. o. b. Raeins, Wissonsin.
- 0.183 when included in an order of less than 103 lb. of wax merchandise, f. o. b. Racine, Wicconcin.
- (b) Any person may sell and deliver Johnson's Paste Wax packaged in six ounce glass containers to retailers at prices not in excess of those hereinafter set forth:
- 8.163 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Raeine, Wittenein.
- 8211 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehause.
- 8.234 when ordered in less than carton lots (12 in carton) f. o. b. Johnson Warehouse.
- (c) Any parson may sell and deliver Johnson's Paste Wax packaged in six ounce glass containers to dealer-distributors with warehouse facilities at prices not in excess of those hereinafter set forth:
- 8.179 when included in an order for 100 lb. or more of wax merchandise; f. o. b. Racine, Wisconsin.
- 8.20 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehouse.
- 0.222 when ordered in less than carton lots (12 in carton), f. o. b. Johnson Warehouse.
- (d) Any person may sell and deliver Johnson's Paste Wax at retail at a price not in excess of the following:

6-ounce glass container at 30 cents each.

- (e) The prices set forth above shall be subject to terms by each seller thereof which are no less favorable than those which were in effect during March 1942, with respect to sales of eight-ounce tin containers of Johnson's Paste Wax.
- (f) (1) S. C. Johnson and Son, Inc. shall supply to each wholesaler or jobber, bafore or at the time of its first delivery of Johnson's Paste Wax in six ounce bottles to such wholesaler or jobber, a written statement as follows:

The OPA has authorized us to charge the following maximum prices for Johnson's Paste Wax in six ounce bottles, subject to all customary discounts and allowances:

- 8.179 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.
- 8.163 when included in an order of less than 100 lb. of wax merchandles, f. o. b., Racins, Wilconsin.

Your maximum prices cubject to customary discounts and allowances, are authorized to be as follows on cales to retailers:

- 0.163 when included in an order for 100 lb, or more of wax merchandice, f. o. b. Racine, Wiczonein.
- 0.211 when included in an order of less than 100 lb. of wax merchandics, f. o. b. Johnson Warehouss.
- 8.234 When ordered in less than carton lots (12 in carton) f. o. b. Johnson Warehouse.

<sup>&</sup>lt;sup>1</sup>7 F.R. 3153, 3330, 3606, 3930, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5305, 5445, 5565, 5484, 5776, 5784, 5783, 6053, 6031, 6077, 6216, 6615, 6939, 6784, 7033, 7322, 7454, 7763, 7913, 8431, 8881, 8004, 8342, 8435, 8615, 8016, 9732, 10155, 10454.

OPA requires that you keep this notice for examination.

(2) S. C. Johnson and Son, Inc. shall supply to each dealer-distributor with warehouse facilities, before or at the time of its first delivery of Johnson's Paste Wax in six ounce bottles to such dealer-distributor, a written statement as follows:

The OPA has authorized us to charge the following maximum prices for Johnson's Paste Wax in six ounce bottles subject to all customary discounts and allowances:

\$.179 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

\$.20 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehouse.

8.222 when ordered in less than carton lots (12 in carton), f. o. b. Johnson Warehouse.

Your maximum prices, subject to customary discounts and allowances, are authorized to be as follows on sales to retailers:

8.189 when included in an order for 100 lb. or more of wax merchandise, f. o. b. Racine, Wisconsin.

8.211 when included in an order of less than 100 lb. of wax merchandise, f. o. b. Johnson Warehouse.

8.234 when ordered in less than carton lots (12 in carton) f. o. b. Johnson Warehouse.

OPA requires that you keep this notice

(3) On each six ounce glass container the following words must be plainly stamped or printed by S. C. Johnson and

Son, Inc. "Ceiling price 30 cents each."
(g) This Order No. 207 may be revoked or amended by the Price Administrator at any time.

(h) This Order No. 207 (§ 1499.1443) shall become effective January 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871)

Issued this 7th day of January 1943. LEON HENDERSON, Administrator.

[F. R. Doc. 43-390; Filed, January 7, 1943; 12:07 p. m.]

PART 1499—COMMODITIES AND SERVICES [Order 153 Under § 1499.18 (b) of GMPR]

OHIO VALLEY CHARCOAL COMPANY,

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1054 Adjustment of maximum price for lump charcoal sold by the Ohio Valley Charcoal Company. (a) Ohio Valley Charcoal Company of Ironton, Ohio, may sell and deliver and any person may buy and receive lump charcoal from that concern at a price no higher than that set forth below:

\$25.00 per ton, f. o. b. Ironton, Ohio, in carload quantities.

(b) All discounts, allowances and trade practices in effect with respect to the commodity named above during March 1942 by the seller shall remain in effect under this order.

(c) At the first delivery to any purchaser of lump charcoal at a price authorized by this order, Ohio Valley Charcoal Company shall deliver the following notice to the purchaser:

The Office of Price Administration has permitted us to raise our maximum price to you for carload quantities of lump charcoal from \$23.00 per ton, f. o. b. Ironton, Ohio to \$25.00 per ton, f. o. b. Ironton, Ohio, with all discounts, allowances and trade practices in effect with respect to the price of \$23.00 charged during March 1942. You or no other seller is permitted to raise his maximum price for the sale of lump charcoal purchased from us.

(d) This Order No. 153 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 153 (§ 1499.1054) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 153 (§ 1499.1054) shall become effective January 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. No. 9250, 7 F.R. 7871)

Issued this 7th day of January 1943.

LEON HENDERSON, Administrator.

[F. R. Doc. 43-389; Filed, January 7, 1943; 12:06 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,1 Amendment 11] MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the

Federal Register.\*

In paragraph (b) of § 1394.8011 and in paragraphs (a) and (b) of § 1394.8105, the numeral "1394.8161 (d)" is inserted between "§§" and the numeral "1394.-8171"; and a new paragraph (d) is added to § 1394.8161, and a new paragraph (k) is added to § 1394.8352, as set forth below:

## Prohibited Acts

§ 1394.8161 General restrictions on

(d) No person to whom a basic ration has been issued may use or permit the use of such ration for any driving in the gasoline shortage area other than family or personal necessity driving for which no adequate alternative means of transportation are available, or occupational driving, or driving by naval or military personnel on leave or furlough for the purpose of visiting relatives or making social calls: *Provided*, That such leave or furlough is evidenced by leave provisions in travel or transfer orders, or by liberty cards, leave papers, furlough certificates, letters or special orders signed by the commanding officer. Family or personal necessity driving shall be deemed to include (but shall not be limited to): Driving for the purpose of essential shopping. procuring medical attention, attending religious services, attending wakes or funerals, attending meetings directly related to the occupation or profession of the owner or person using the vehicle or necessary to the public welfare or to the war effort, or driving for the purpose of meeting an emergency involving a threat to life, health or property. No basic ration may be used for pleasure driving. which shall include (but shall not be limited to): Driving for the purpose of attending places of amusement, recreation or entertainment (such as theaters, amusement parks, concerts, dances, golf courses, skating rinks, bowling alleys or night clubs) or sporting or athletic events (such as races or games) or for sightseeing, touring or vacation travel, or for making social calls, except that naval or military personnel on leave or furlough evidenced as specified above may use such a ration for the purpose of visiting relatives or making social calls.

§ 1394.8352 Effective dates of amend-ments. \* \* \*

(k) Amendment No. 11 (§§ 1394.8011 (b), 1394.8105 (a) and (b) and 1394.8161 (d) to Ration Order No. 5C shall become effective January 7, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 7th day of January 1943.

LEON HENDERSON, Administrator.

[F. R. Doc. 43-400; Filed, January 7, 1943; 4:26 p. m.]

PART 1499-COMMODITIES AND SERVICES [Amendment 18 to Rev. Supp. Reg. 41 to GMPR 21

EXCEPTIONS FOR SALES AND DELIVERIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Subparagraph (3) of § 1499.29 (a) is amended to read as set forth below:

§ 1499.29 Exceptions for sales and deliveries to be United States or any agency thereof of certain commodities and in certain transactions and for certain other commodities, sales and deliveries. (a)

(3) Any manufacturing service performed by a person other than the manufacturer in the production of any product set forth in paragraph (1) or (2) above, if all or part of the material on which such service is performed is supplied by the manufacturer; and services performed for the War Department or the

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

17 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070, 8 F.R. 179.

<sup>17</sup> F.R. 8021, 9827, 10022, 10110, 10531, 5056, 5089, 5566, 6082, 6084, 6426, 6744, 6703,

<sup>5056, 5089, 5066, 5062, 6063, 6420, 6420, 6421, 6423, 7175, 7538, 8</sup> F.R. 130, 137.

27 F.R. 3153, 3330, 3666, 3990, 3991, 4330, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7464, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 6722, 1015, 1015, 1016, 9732, 10155, 10454.

Department of the Navy on aircraft at modification centers.

. . . (d) Effective dates.

(19) This Amendment No. 18 (§ 1499.29 (3)) to Revised Supplementary Regulation No. 4 shall become effective January 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of January 1943.

LEON HENDERSON. Administrator.

[F. R. Doc, 43-399; Filed, January 7, 1943; 4:29 p. m.]

#### PART 1337-RAYON

[Amendment 2 to MPR 1681]

CONVERTED RAYON YARN AND CONVERTING CHARGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

A new § 1337.56a is added, paragraph (a) (2) of § 1337.60 is amended and in paragraph (a) of § 1337.62, the second unnumbered paragraph following Table I is amended as set forth below:

§ 1337.56a Invoice requirements. On and after January 21, 1943, every person selling and supplying a special lubricating treatment for rayon yarns the maximum price for which is established in the paragraph under Table I covering "other lubricants" shall, with respect to each such sale, deliver to the purchaser an invoice or similar document setting forth the following: (a) a description of the lubricating treatment performed (including a description of the agent); (b) the total cost per pound to him of the process determined in accordance with the definition of "cost" set forth under Table I; and (c) the price per pound charged.

§ 1337.60 Definitions. (a) When used in this Maximum Price Regulation No. 168, the term:

(2) "Rayon yarn" means continuous filament yarn produced chemically from cellulose or with a cellulose base and only for the purposes of the maximum converting charges set forth in Tables XVI to XX, inclusive, includes the yarns specified therein;

§ 1337.62 Appendix A: Maximum prices. (a) Converting charges.

TABLE I-HOSIERY THROWING

Other lubricants: The maximum price for any other special lubricating treatment of

<sup>1</sup>7 F.R. 4463, 8193, 8948.

rayon yarns shall be the cum of the cost to the throwater of the lubricating treatment plus an amount equal to the following percentage of his cost:

Lubricating treatment employing a 40%

Provided, That in no event shall the maximum price for any such special lubricating

treatment exceed 3.14 per pound.

In determining his "cost" for the purposes of this paragraph, the throwster thall use an amount not in excess of the sum of the following costs which are involved in the application of the special lubricating treatment:

(1) The cost of the materials used, including an allowance for loss;
(2) The cost of the direct and indirect

labor;

(3) The cost of the depreciation of the equipment which shall not be calculated at a higher rate than 5% per annum; and
(4) The cost of the heat, light and power

not to exceed 12¢ per pound.

§ 1337.61a Effective dates of amendments.

(b) Amendment No. 2 (§§ 1337.56a, 1337.60 (a) (2), 1337.62 (a) Table I) to Maximum Price Regulation No. 168 shall become effective this 14th day of January, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of January 1943. LION HENDERSON, Administrator.

[P. B. Dac. 43-401; Filed, January 8, 1943; 9:41 a. m.1

## PART 1351-FOOD AND FOOD PRODUCTS IMPR 237. Amendment 71

ADJUSTED AND FINED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT WHOLESALE

A statement of the considerations involved in the issuance of this Amendment No. 7 to Maximum Price Regulation No. 237 has been issued and filed with the Division of the Federal Register."

The table in § 1351.518 is amended by deleting therefrom the following items: "Coffee", "Fish, canned", "Oils, cooking and salad", "Shortening, hydrogenated", "Shortening, other"; subparagraphs (b), (c), (d), (f), and (g) of paragraph (2) of § 1351.518 are deleted; 10 new items, Nos. 4 through 13 are added to the table in § 1351.519 and new subparagraphs (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m) are added to paragraph (2) thereof; all to read as set forth below:

## § 1351.519 Appendix B.

[Figures to be used by wholecale distributors in determining new maximum prices under § 1211.003 of this regula-tion (new maximum prices are required after the effective date of this regulation)]

	Last date for determining new maximum prices under this regulation	Lert date for filing new maximum prace with op- propriate OPA Digitalizer State offices	Figure to be mulitplied by not cost of from in determining new maximum prices under this regulation		
Ford product			Class I, retail- corred coopera- tive	Class 2, each and earry	Chas 3, survice and do- hvery
•	*		•	•	•
4. Coffee 5. Fish, canned	February 10, 1313 February 10, 1313	February 20, 1943 February 20, 1943	1.03 1.035	1.035 1.13	1.00 1.10
6. Oils, cooking and caled	February 19, 1213	February 29, 1313	1.07 1.015	1.075 1.045	1.11 1.63
8. Shortening, other	February 19, 1913 February 19, 1913	February 20, 1943 February 20, 1943	1.015 1.09	LC45 LC95	1.00 1.13
10. Canned citrus fruits and julces.	February 19, 1213	February 29, 1913	1,195	1.155	1.15
11. Evaperated and condensed milk 12. Pure maple syrup and pure care	February 19, 1913 February 19, 1913	February 29, 1243 February 29, 1243	1.035 1.07	1.035 1.10	1.04 1.11
13. Flour and flour mixes	February 19, 1243	February 20, 1943	1.07	1.073	1.10

2. Definition of food products on which wholesalers must determine new maximum prices under § 1351.503 of this regulation. • •

d. Coffee shall mean reasted coffee, either whole or ground; decasseinated cosses; cosses concentrates; chicory; coffee compounds consisting of a blend of coffee and any other product; ccreals, beans, peas, and other products and concentrates thereof designated as, or intended for use as, beverages, coffee substitutes or coffee extenders.

e. Canned fish chall mean all processed fish and sea food in hermetically realed containers; excluded are fresh and frozen fish and sea food.

f. Cooking and called oils shall mean all vegetable oils, whether pure or mixed; but shall not include prepared dremings.

g. Hydrogenated chortening shall include all fully hydrogenated pure vegetable short-

enings, such as Bakerite, Crisco, Dexo, Krazo, Royal Satin, Spry and Tex. h. Other chortenings shall include all chortenings except those included in (g) above, and except pure lard.

i. Corn meal shall mean all corn meal in package or bulk cold for human consumption.

j. Canned citrus fruits and juices shall mean all canned fruits and juices in hermetically coaled containers made from fresh citrus fruits including, but not limited to, oranges, lemons, limes, grapefruit and tangerines.

lt. Evaporated and condensed milk shall mean all evaporated, concentrated or condenced milk in hermstically scaled containers and also powdered whole or skim milk paskaged for the ultimate consumer.

1. Pure maple syrup shall mean the con-centrated cap of the maple tree; pure cane cyrup chall mean the concentrated juices of

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>17</sup> F.R. 8205, 8427, 8803, 9183, 9973, 10013, 10715.

m. Flour and flour mixes shall mean all flour and flour mixes milled from wheat, buckwheat, corn, rice, or potatoes in packages, cartons, or bulk, including prepared pancake, cake, biscuit, pie crust, or gingerbread mix.

§ 1351.517a Effective dates of amendments. \* \*

(g) Amendment No. 7 (§§ 1351.518 and 1351.519) to Maximum Price Regulation No. 237 shall become effective on January 14, 1943, except to sales of Item No. 11, Evaporated and Condensed Milk, which become effective January 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of January, 1943.

LEON HENDERSON,

Administrator.

[F. R. Doc. 43-402; Filed, January 8, 1943; 9:43 a.m.]

PART 1351—FOOD AND FOOD PRODUCTS
[MPR 238, Amendment 7]

ADJUSTED AND FIXED MARKUP REGULATION FOR SALES OF CERTAIN FOOD PRODUCTS AT RETAIL

A statement of the considerations involved in the issuance of this Amendment No. 7 to Maximum Price Regulation No. 238 has been issued and filed with the Division of the Federal Register.\*

The table in § 1351.618 is amended by deleting therefrom the following items: "Coffee", "Fish, canned", "Oils, cooking and salad", "Shortening, hydrogenated", "Shortening, other"; subparagraphs b, c, d, f, and g of paragraph 2 of § 1351.618 are deleted; 10 new items, Nos. 4 through 13, are added to the table in § 1351.619, and new subparagraphs d, e, f, g, h, i, j, k, l and m are added to paragraph 2 thereof; all to read as set forth below:

§ 1351.619 Appendix B.

[Figures to be used by retail distributors in determining new maximum prices under § 1351.603 of this regulation (new maximum prices are required after the effective date of this regulation)]

,			Figure t determ regula	nining nev	tiplied by maxim	net cost im prices	of item in under this
Food product	Last date for determining new maximum prices	Last date for filing new maxi- mum prices with appropriate local	annuar votume			Class 4— Chain retailer	Class 5— Any retailer
	under this regu- lation	war price and rationing board	Class 1— Under \$20,000	Class 2— \$20,000 but less than \$50,000	Class 3— \$50,000 but less than \$250,000	with annual volume under \$250,000	(chain or independ- ent) with annual volume \$250,000 or more
*			*	*			•
4. Coffce	March 10, 1943 March 10, 1943 March 10, 1943 March, 10, 1943	March 20, 1943 March 20, 1943 March 20, 1943 March 20, 1943	1.17 1.27 1.28 1.09	1.17 1.27 1.28 1.09	1. 17 1. 27 1. 28 1. 09	1.12 1.21 1.24 1.07	1.11 1.21 1.16 1.06
8. Shortening, other 9. Corn meal 10. Canned citrus fruits and	March 10, 1943 March 10, 1943 March 10, 1943	March 20, 1943 March 20, 1943 March 20, 1943	1. 18 1. 31 1. 26	1, 18 1, 31 1, 26	1.18 1.31 1.26	1. 13 1. 27 1. 24	1,03 1,23 1,22
juices. 11. Evaporated and condensed milk.	March 10, 1943	March 20, 1943	1.20	1.20	1.20	1.10	1,09
12. Pure maple syrup and pure cane syrup.	March 10, 1943	March 20, 1943	1,23	1,28	1.28	1, 24	1,21
13. Flour and flour mixes	March 10, 1943	March 20, 1943	1.27	1.27	1, 27	1.23	1.15

2. Definition of food products on which retilers must determine new maximum prices under § 1351.603 of this regulation.

d. Coffee shall mean roasted coffee, either whole or ground; decaffeinated coffee; coffee concentrates; chicory; coffee compounds consisting of a blend of coffee and any other product; cereals, beans, peas, and other products and concentrates thereof designated as, or intended for use as, beverages, coffee substitutes or coffee extenders.

e. Canned fish shall mean all processed fish and sea food in hermetically sealed containers; excluded are fresh and frozen fish and

sea food.

f. Cooking and salad oils shall mean all vegetable oils, whether pure or mixed; but shall not include prepared dressings.

shall not include prepared dressings.
g. Hydrogenated shortening shall include all fully hydrogenated pure vegetable shortenings, such as Bakerite, Crisco, Dexo, Krogo, Royal Satin, Spry and Tex.

h. Other shortenings shall include all shortenings except those included in (g) above, and except pure lard.

17 F.R. 8209, 8808, 9184, 10013, 10227, 10714.

i. Corn meal shall mean all corn meal in package or bulk sold for human consumption.

j. Canned citrus fruits and juices shall mean all canned fruits and juices in hermetically sealed containers made from fresh citrus fruits including, but not limited to, o oranges, lemons, limes, grapefruit and tangerines.

k. Evaporated and condensed milk shall mean all evaporated, concentrated or condensed milk in hermetically sealed containers and also powdered whole or skim milk packaged for the ultimate consumer.

I. Pure maple syrup shall mean the concentrated sap of the maple tree; pure cane syrup shall mean the concentrated juices of sugar cane.

m. Flour and flour mixes shall mean all flour and flour mixes milled from wheat, buckwheat, corn, rice, or potatoes in packages, cartons, or bulk, including prepared pancake, cake, biscuit, pie crust, or gingerbread mix.

§ 1351.617a Effective dates of amendments. \* \* \*

(g) Amendment No. 7 (§§ 1351.618 and 1351.619) to Maximum Price Regulation No. 238 shall become effective on

January 14, except to sales of Item No. 11, Evaporated and Condensed Milk, which become effective January 8, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of January 1943.

Leon Henderson,

Administrator.

[F. R. Doc. 43-403; Filed, January 8, 1943; 9:43 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Correction to Ration Order 111]

FUEL OIL RATIONING REGULATIONS

In subparagraph (15) of paragraph (a) of § 1394.5001, the phrase "designated grades used" is corrected to read "designated grades and used"; in subdivision (iii) of subparagraph (1) of paragraph (a) of § 1394.5151, the word "and" is corrected to read "an"; in column (2) (b) of paragraph (a) of § 1394.5651 the minimum figure for thermal sub-zone 6A is corrected from ".315" to read "1.315" in the headnote to § 1394.5261 the word "premise" is corrected to read "premises"; the word "or" in the title immediately preceding § 1394.5451 is corrected to read "of"; a title reading "Tables" is inserted immediately before § 1394.5851; and the table of contents is corrected to reflect the corrections made herein.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of January 1943.

Leon Henderson,

Administrator.

-[F. R. Doc. 43-405; Filed, January 8, 1943; 9:41 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Correction to Amendment 5 to Ration Order 11 1]

## FUEL OIL RATIONING REGULATIONS

The designation "(c)" of the paragraph added to § 1394.5701 in Amendment No. 5 is corrected to read "(d)", and all references to such paragraph in Amendment No. 5 are corrected to read accordingly; and the phrase "(a) and (b)" in paragraph (e) of § 1394.5902 is corrected to read "(a) and (c)."

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 8th day of January 1943.

Leon Henderson,

Administrator.

[F. R. Doc. 43-404; Filed, January 8, 1943; 9:41 a.m.]

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>17</sup> F.R. 8480, 8708, 8809, 8897, 9316, 9306, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1,1 Amendment 10]

#### LIEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the division of the Federal Register.\*

Paragraph (f) of § 1407.902 is amended; the last sentence of paragraph (a) of § 1407.904 is amended; a new paragraph (b) is added to § 1407.904; subparagraph (1) of paragraph (c) of § 1407.912a is amended; a new paragraph (j) is added to § 1407.912a; a new paragraph (j) is added to § 1407,925 to read as set forth below:

§ 1407.902 Deliveries of slaughterers restricted.

(f) Any deliveries of any type of controlled meat by a slaughterer in excess of his quota for such type of controlled meat for any quota period shall be charged against his quota for such type of controlled meat for the subsequent quota period and in addition thereto shall subject the slaughterer to such other actions, penalties or proceedings as may be prescribed by law or imposed pursuant to Restriction Order No. 1.

\$ 1407.904 Deliveries of non-quota slaughterers restricted. (a) \* \* \* Deliveries during a quota period to persons referred to in, and in accordance with the precdure prescribed by § 1407.912a (a), (b), (c), (d) or (j), shall not be subject to the restrictions of this section.

(b) Any deliveries by a non-quota slaughterer of any type of controlled meat resulting from his own slaughter in excess of deliveries permitted by paragraph (a) of this section for any quota period shall be charged against his restricted deliveries of such type of controlled meat for the subsequent quota period, and in addition thereto shall subject the non-quota slaughterer to such other actions, penalties or proceedings as may be prescribed by law or imposed pursuant to Restriction Order No. 1.

§ 1407.912a Deliveries permitted without charge against quotas. \*

(1) The certification shall state the name and address of the slaughterer or, in the case of a certification pursuant to paragraph (d) or (j) of this section, the name and address of the person who delivered the controlled meat, canned meat or sausage to the exempt purchaser, and the date or dates of delivery; the name and address of the exempt purchaser or slaughterer to whom delivery was made; the total weight of each type of controlled meat, canned meat, or sausage covered by such certification; and a description thereof permitting conversion in accordance with the provisions of § 1407.913.

(j) Deliveries through intermediate persons. Any person other than a

slaughterer, who desires to deliver, or has delivered controlled meat, canned meat or sausage to an exempt purchaser may obtain the certification required by paragraph (b), (c) or (d) of this section, whichever is applicable. Such certification may be passed through one or more persons to a slaughterer. Each person through whom such certification passes shall endorse thereon his name and address. In computing the conversion weight of controlled meat delivered during a quota period subsequent to Quota Period 1 without charge against quotas for the purposes of § 1407.907 (a) (5), any slaughterer may include the conversion weight of controlled meat delivered by him during such period, or contained in canned meat or sausage delivered by him during such period, to any person from whom during such period he obtains such an endorsed certification covering the delivery.

§ 1407.925 Effective dates of amendments.

(j) Amendment No. 10 (§§ 1407.902 (e), 1407.904 (a), 1407.904 (b), 1407.9123 (c) (1), 1407.912a (j) and 1407.925 (j)) to Restriction Order No. 1 shall become effective January 14, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; W.P.B. Directive No. 1, Supp. Dir. No. 1-M. 7 F.R. 562, 7234)

Issued this 8th day of January 1943. LEON HENDERSON. Administrator.

[F. R. Doc. 43-406; Flied, January 8, 1943; 9:42 a. m.]

PART 1499-COMMODITIES AND SERVICES [Order 208 Under § 1459.3 (b) of GMPR]

CALIPBELL TAGGART RESEARCH CORP.

For the reasons set forth in an opinion issued simultaneously harewith, It is ordered:

§ 1499.1444 Approval of maximum prices for New Type Oxipan manufac-tured by Campbell Taggart Research Corporation. (a) The maximum price for the sale by the Campbell Taggart Research Corporation, 4049 Pennsylvania Avenue, Kansas City, Missouri, of New Type Oxipan manufactured by that company shall be \$9.97 per cwt.

(a) All discounts, trade practices, and practices relating to the payment of transportation charges in effect during March 1942 on the sale of old type Oxipan by the Campbell Taggart Research Corporation shall apply to the maximum

price set forth in paragraph (a).
(c) This Order No. 208 (§ 1499.1444) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 208 (§ 1499.1444) shall become effective January 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of January 1943. LEON HEIDERSON. Administrator.

[F. R. Doc. 43-407; Filed, January 8, 1943; 9:41 a. m.]

PART 1499-COMMODITIES AND SERVICES [Order 210 Under § 1429.3 (b) of GLIPR]

#### WAR PRODUCTION FOARD

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1446 Approval of maximum price for sale by the War Production Board of a single track deck plate girder span located on the Muskogee-Fayettetille Branch Line of the St. Louis and San Francisco Railway. (a) The War Production Board may sell and deliver and any person may buy and receive, at present location, from the War Production Board the 42' 0" (4 girder) single track deck plate girder span now located on the Musicogee-Fayetteville Branch of the St. Louis and San Francisco Railway at a price not in excess of 65% of the cost of reproducing an identical bridge at the precent site: Provided, That such reproduction cost shall not exceed \$120 per ton.

(b) This Order No. 210 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 210 (§ 1499.1446) shall become effective January 9, 1943.

Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of January 1943.

LEON HENDERSON. Administrator.

[P. R. Doc. 43-493; Filed, January 8, 1943; 9:42 a. m.]

PART 1499—COMMODITIES AND SERVICES [Order 203 Under § 1433.3 (b) of GMPR]

#### MONSANTO CHERICAL COMPANY

For the reasons set forth in an opinion issued simultaneously herewith. It is ordered:

§ 1499.1445 Approval of maximum price for 30% aqueous solution of codium polysulfide (Na<sub>2</sub>S<sub>2,22</sub>) manufactured by the Merrimac Division of the Lionsanto Chemical Company at Everett. Massachusetts. (a) The maximum price for sales by the Merrimac Division of the Monsanto Chemical Company at Everett, Massachusetts of 30% aqueous solution polysuside is established as set forth below:

85.60 per hundred pounds of 30% equeous colution of codium polysulfide (Na<sub>2</sub>S<sub>245</sub>) f. o. b. Everett, Macsachusetts.

(b) Report. At such time as the manufacture of 30% aqueous solution of sodium polysulfide is transferred from a pilot plant to a full-scale operation, or at the end of one year, whichever is earlier, applicant shall submit its then current cost figures for the production of this product.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 209 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 203 (§ 1499.1445) shall become effective January 9, 1943.

<sup>\*</sup>Copies may be obtained from the Office of

Price Administration. <sup>1</sup>7 F.R. 7839, 8217, 8524, 9247, 9250, 9639, 10258, 10621, 10704.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 8th day of January 1943.

Leon Henderson,

Administrator.

[F. R. Doc. 43-439; Filed, January 8, 1943; 12:00 m.]

PART 1499—COMMODITIES AND SERVICES [Order 147 Under § 1499.18 (b) of GMPR]

## SOUTHGATE FOODS

#### Correction

In paragraph (g) of § 1499.1408 appearing on page 239 of the issue for Wednesday, January 6, 1943, the effective date should read "January 5, 1943."

## Chapter XVII-Office of Civilian Defense

PART 1903—UNITED STATES CITIZENS DEFENSE CORPS

[Regulations 31 Amendment 5]

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 dated April 15, 1942, and Executive Order No. 9088 dated March 6, 1942, and pursuant to the Act approved January 27, 1942, It is hereby ordered, That §§ 1903.1 to 1903.17, inclusive, of this chapter (Regulations No. 3 of the Office of Civilian Defense), as heretofore issued and amended, be further amended, effective immediately, by adding to § 1903.9 (a) thereof the following:

The oath taken by each alien appointed to membership in the Defense Corps may omit the first two clauses of the form hereinbefore set forth.

(Pub. Law No. 415, 77th Congress; E.O. 8757, 6 F.R. 2517; E.O. 9088, 7 F.R. 1775; E.O. 9134, 7 F.R. 2887)

[SEAL] JAMES M. LANDIS, Director of Civilian Defense.

JANUARY 7, 1943.

[F. R. Doc. 43-391; Filed, January 7, 1943; 2:27 p. m.]

## TITLE 33—NAVIGATION AND NAVI-GABLE WATERS

Chapter IV-Coast Guard: Lighthouses

PART 402—Aids to Navigation

MARKING OF WRECKS

Section 402.5 of Chapter IV, Title 33, is amended to read as follows:

§ 402.5 Marking of wrecks. (a) In the event that the owner of any wrecked or sunken vessel, boat, watercraft, raft, or other similar obstruction existing on any river, lake, harbor, sound, bay, or canal, or other navigable waters of the United States shall fail to immediately mark the same in accordance with the provisions of section 15 of the Act of March 3, 1899 (33 Stat. 1154; 33 U.S.C.

409), the District Commander of the Coast Guard district in which such wrecked or sunken craft is located shall, in his discretion, take measures to have it marked as the safety of navigation may require, notifying the owner of the wrecked craft or his representative of such action. Notice may be addressed to the owner at his usual or last known address or place of business. The cost of such marking, from the commencement thereof, will be charged to the owner of the wrecked craft, as provided by law, and such charges will continue until affirmative notice is received from. the owner or his representative that the wreck is abandoned, unless abandonment is otherwise determined by the United States Engineers pursuant to section 19 of the Act of March 3, 1899 (33 Stat. 1154; 33 U.S.C. 414). Notice of abandonment shall be addressed to the United States Engineer of the district in which the wreck is located, with a copy to the District Commander of the Coast Guard district.

(b) If a wrecked or sunken craft is marked by the owner, the Coast Guard District Commander may, in his discretion, determine if such marking is suitable for the purpose and conditions; and if he determines that it is not suitable, he shall take measures to have it suitably marked, at the expense of the owner, in accordance with the preceding paragraph.

(c) Charges for services rendered by the Coast Guard in marking of wrecked or sunken craft for private owners shall be invoiced in accordance with the following schedules:

#### (1) TABLE A-CHARGES FOR BUOYS.

Type of buoy (including mooring and sinker)	Fixed charges per buoy per year, or fraction thereof. (Wharfage, handling, elecaning, painting, etc.)	Depreciation and maintonance charges per buoy per month or major fraction thereof
1. Metal can or nun buoys, any	\$10.00	\$2,40
class, without light or fog signal 2. Bell, gong, or whistle buoy, un		\$2.40
lighted	21.00	7.20
Lighted buoy for exposed station any type, with or without for signal     Lighted buoy for sheltered state	45.00	_24.00
tion, any type, with or withou fog signal	20.00	14.80
5. Wooden spar buoy, any class	4.00	0.70
6. Lightweight buoys, St. Loui District	1.00	0.50

For equipment or for materials or supplies not included in the foregoing items charge shall be made for the full cost in the case of expendible items and for 1% of the cost per month or fraction thereof in the case of non-expendible items.

(2) Table B—Charges for cutters (tender class) for placing, relieving or servicing buous on station.

Type of vessel	Charge per hour
(a) Cutters similar to Violet a	nd
larger	\$27.00
(160 feet and larger)	

		hargo er hour
(c)	Cutters similar to Dahlia and Jasmine (80 feet and less than 120 feet)	¢8, 26
(d)	Cutters similar to Elm and smaller (under 80 feet)	4.50
(e)	Motorboats	2, 60

Note: Charges under table B shall be applied only to the actual time a vessel devotes to the subject work, including time-under-way, charged wholly or proportionally as circumstances justify, but not exceeding 8 hours for any calendar day.

(3) If any equipment is lost or destroyed while being used to mark a wreck in accordance with the provisions of this section, the owner of the wreck will be charged with the value thereof. (Sec. 1.50 Stat. 663; 33 U.S.C. 1940 Ed. 736) [33 C.F.R. 402.5 as amended August 4, 1942 and December 7, 1942]

R. R. WAESCHE, Vice Admiral,

U. S. Coast Guard, Commandant. Approved, January 7, 1943.

Frank Knox, Secretary of the Navy.

[F. R. Doc. 43-419; Filed, January 8, 1943; 11:08 a. m.]

#### TITLE 41-PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

PRODUCTION OF TRAINING FILMS

EXCEPTION TO AWARD OF CONTRACTS

In the matter of an exception from the provisions of Section 1 of the Walsh-Healey Public Contracts Act to permit the award of contracts for the production of training films.

Whereas, the Secretary of War has made a written finding that the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) in contracts for the production of training films for the United States Army will seriously impair the conduct of Government business; and

Whereas, the Secretary of War has requested that an exception be granted under section 6 of the Walsh-Healey Public Contracts Act permitting the award of such contracts without the inclusion of the representations and stipulations of the Public Contracts Act; and

Whereas, the International Alliance of Theatrical and Stage Employees has joined in the request for the exemption; and

Whereas, I find that justice and public interest will be served by granting the request of the Secretary of War,

Now, therefore, I do hereby grant an exception pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) permitting the award of contracts during the present war for the production of training films without the

<sup>17</sup> F.R. 3244, 4276, 4669, 6900, 8434.

inclusion of the representations and stipulations of section 1 of the Act. Dated: January 5, 1943.

> FRANCES PERKINS, Secretary of Labor.

[F. R. Doc. 43-397; Filed, January 7, 1943; 3:49 p. m.]

#### TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 310-MERCHANT MARINE TRAINING [General Order 23, Supp. 1]

APPOINTMENT OF OFFICERS

General Order No. 231 is hereby amended by adding thereto §§ 310.45a through 310.45g, inclusive, as follows:

§ 310.45a Eligibility. Appointment as an officer in the Maritime Service may be made in the deck, engine, or staff branches without attending a training school, in accordance with the provisions of the Maritime Service Instructions. Any officer of the U.S. Merchant Marine is eligible to be enrolled in a rank commensurate with his present position and duty in the said Merchant Marine.

§ 310.45b Qualifications. (a) An applicant for appointment in the deck or engine branch must be a licensed officer of the U.S. Merchant Marine, and must be serving on a vessel of not less than 1,000 gross tons, which vessel has been documented under the laws of the United States; Provided, however, That an applicant with outstanding qualifications may be specially appointed by the Director of the Division of Training.

(b) The applicant must be employed in connection with the seafaring profession in a capacity connected with the operation or management of ships of the U. S. Merchant Marine, or in connection with the training of personnel for said Merchant Marine, or the applicant's services must be desired for special duty.

(c) An applicant in the staff branch must be serving under a license as Steward, Purser, or Radio Operator.

(d) An applicant, aboard ship, must have been employed in his present capacity for at least one year immediately preceding the filing of his application, unless considered otherwise qualified by the Director of the Division of Training: Provided, however, That this requirement shall not apply to graduates of schools under the supervision of the Administrator of the War Shipping Administration.

(e) During war time, the applicant must agree, if requested, to take such extension and correspondence courses under such rules and regulations and upon such terms as the Director of the

Division of Training may prescribe.

(f) Table of maximum rank for appointment.

1

Duties—Merchant Marine	Passenger or combina- tion vessels over 8,500 gross tons	Vessels over 5,000 gross tons	Vectols under 5,000 grans tons
Master	Captain	Licutenant ([3]) Ensign Commander Lt. Commander Licutenant Licutenant ([3])	Licutenant. Licutenant ([7]). Ensign. Ensign. Lt. Commander. Licutenant. Licutenant ([7]). Ensign.
RADIO DEPARTMENT  Chief Operator  Second Operator  Third Operator	Lieutenant Licutenant (Ig)	Lieutenant ([3] Ensign. Ensign.	≎ Encign.
STEWARD DEPARTMENT Chief Steward Second Steward Asst. Steward Chief Storekeeper	Lieutenant (ig) Ensign.	Litutenant ([3] Ensign.	Encign.
FURSERS DEPARTMENT  Chief Purser Asst. Purser Freight Clerk Jr. Assf. Purser Chief Clerk	Lieutenant. Lieutenant (jg). Ensign.	Licutenant.	
MEDICAL DEPARTMENT Senior Medical Officer Junior Medical Officer	Commander Lieutenant.	Lt. Commander.	

(g) Age limits. Lower age limits are placed on original appointment or promotion to ranks as indicated below:

Captain	34
Commander	
Lieutenant Commander	27
Lieutenant	23
Lieutenant (jg)	20
Ensign or Warrant Officer	18

<sup>&</sup>lt;sup>1</sup>7 F.R. 7623.

§ 310.45c Applications. (a) Applications for appointment shall be forwarded to the Commandant accompanied by a physical examination report (see § 310.-45d) and including a letter from applicant's employer or employers certifying to the time served in various capacities aboard vessels and indicating satisfac-

tory service. (b) Annexed to the application must be a certificate signed by a Maritime Service Enrolling Officer that the license claimed has been sighted.

§ 310.45d Physical examination. (2) All applicants must take a physical examination. (See § 310.45d (c) and (e).)

(b) All Maritime Service officers must talie a physical examination at the fol-

lowing times:

(1) Upon assignment to active administrative or training duty or release therefrom.

(2) When applying for promotion if no physical examination has been taken within the previous three years.

(c) Physical examination reports shall be made on Form MS 13. Defects considered not to be sufficient to disqualify an officer from the performance of the duties of his rank may be waived by the Commandant. For four years thereafter additional waivers for the same disability will not be required for the performance of active, administrative or training duty, or release therefrom, if the degree of such disability is not materially increased.

(d) All physical examinations shall be conducted by an officer of the United States Public Health Service attached to a Martime Service Enrolling Office or a

training unit.

(e) The physical standards prescribed for the Maritime Service shall be the same as those prescribed for the license held. Due consideration will be given age and the type of duty to be performed.

§ 310.45e Uniforms. (a) Officers appointed under the provisions of this order will, upon request, be furnished free-ofcharge one basic uniform, consisting of the following:

1 blue cervice uniform with appropriate incimia.

1 uniform cap with insignia and 1 blue and 1 white cap cover.

#### Choice of either:

1 officer's cravenetted topocat, or

,1 officer's overcoat with appropriate insignia.

(b) Additional uniforms may be purchased, if desired, from uniform outfitters in the various ports at the established special rate.

(c) With his appointment, a Maritime Service Officer will be furnished with an order for uniforms, which may be filled at accredited uniform stores in the various ports.

(d) It is urged that Maritime Service Officers wear their uniforms both ashore and on board ship, if practicable.

§ 310.45f Promotions. (a) In qualifying for promotion, time served in a capacity higher than that required for the promotion shall be multiplied by the factor two.

(b) No officer in the deck or engine branch shall be promoted unless said officer possesses the requisite license.

(c) No officer will wear the Maritime Service insignia of a higher rank than called for by his position aboard ship, regardless of the designation of grade held by said officer.

§ 310.45g Benefits. In peace time, officers serving a minimum of eight months per year aboard vessels of the U. S. Merchant Marine will be eligible for one month's refresher training on active duty, with the pay of his rank, and will be entitled, in addition, to one month's retainer pay in accordance with the provisions of the Maritime Service Instructions. In war time, officers encoded in the United States Maritime Service shall, if requested, take such extension and correspondence courses under such rules and regulations and upon such terms as the Director of the Division of Training may prescribe, to become entitled to the benefits in this order, set forth.

(E.O. 9054, 7 F.R. 837; E.O. 9198, 7 F.R. 5383)

[SEAL]

E. S. LAND, Administrator.

JANUARY 7, 1943.

[F. R. Doc. 43–398; Filed, January 7, 1943; 3:41 p. m.]

## Notices

## DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1508]

#### DISTRICT 4

MEMORANDUM OPINION AND ORDER GRANTING
TEMPORARY RELIEF

In the matter of the petition of Bituminous Coal Producers Board for District No. 4 for classification and pricing of gob pile or reject coal for both rail and truck shipment.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on June 16, 1942, and an amended petition filed on September 23, 1942, by District Board No. 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition, as amended, requested amendment of the Schedule of Effective Minimum Prices for District No. 4 for all Shipments Except Truck by the addition of a price exception to read as follows:

Low grade reject or bone coal recovered from gob piles, bins or picking tables, if crushed to not more than 2", shall take the price of the size to which crushed when shipped into market areas 13, 14 and 17.

And, of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipment, by the addition of the following price exception:

The price of low grade reject or bone coal recovered from gob piles, bins or picking tables, which has not been crushed, shall, when sold for truck delivery from rail mines to Market Areas 13, 14 and 17, be \$1.75 per net ton f. o. b. the mine, gob pile or bin. The invoices for such coal shall carry the designation "Reject" instead of size group number.

Petitioner requested temporary relief, pending final disposition of its petition.

Petitions of intervention were field by District Boards 1, 2 and 6 and by John DeCorte, et al. (17 others), code members in District 4. The office of Bituminous Coal Consumers' Counsel ("Consumers' Counsel") filed a notice of appearance.

Pursuant to appropriate orders and after due notice to all interested persons,

a hearing in this matter was duly held before Charles S. Mitchell, a duly designated examiner of the Division, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the petitioner, all interveners, and Consumers' Counsel appeared and participated. The record was thereupon submitted to the undersigned for consideration of the matter of granting temporary relief.

It appears from the evidence that, in the course of preparation, as coal moves through the tipple, inferior particles and impurities are removed; that a small quantity of the coal so removed is reject or bone coal, described as substandard coal containing a high ash content and frequently high in sulphur as compared with the standard grades of coal; that in the past this coal has usually been dumped on the gob pile and wasted; and that now, owing to the excessive demand for coal occasioned by war activities and the insufficient supply of coal, markets for such reject or bone coal are available. It seems that approximately only 1 or 2 percent of all coal produced in District 4 is reject coal. Apparently such crushed reject coal is mixed with regular screenings, the resultant mixture containing not over 10% of reject coal. Proximate analyses were introduced in evidence to show that the quality of crushed reject coal is about the same as that of 3%" x 0 screenings and that while it is slightly inferior to screenings of the larger size, it is coarser. Thus petitioner argued that crushing reject coal and mixing it with natural screenings does not enhance the quality of the mixture, and that there is no reason for requiring the crushed screenings mixture to be priced higher than natural screenings.

The minimum prices for rail shipments of slack coal produced in District 4 by crushing are 15¢ above those for slack coal produced at the same mines by screening. Petitioner requests that the minimum prices for gob pile or reject coal crushed to not over 2" and shipped by rail to Market Areas 13, 14 and 17 be reduced to those for natural screenings.

Petitioner also contends that uncrushed gob pile, bone or reject coal is inferior in quality to, and cannot be sold at the established minimum prices for District 4 standard coal. It appears that uncrushed reject coal can be marketed for domestic use in the nearby mining communities where retail yard service is limited. Petitioner requests the establishment of a minimum price of \$1.75 per net ton f. o. b. the mine (\$1.95 in view of the Order of the Director in General Docket No. 21, dated August 28, 1942) for gob pile, bone or reject coal, limited in its application to shipments by truck from rail mines to adjoining mining communities, in no instance to be greater than 20 miles from the mine.

Although there seems to have been some opposition to petitioner's requests, particularly so far as the uncrushed reject coal to be shipped by truck is concerned, the increased demand for coal occasioned by the exigencies of the war

and the promise that District 4 producers, if the requested relief is granted, would be enabled to meet this increased demand, if only to some small degree, impel me to grant temporary relief, pending the final disposition of this proceeding.

I find that a satisfactory showing has been made for the granting of temporary relief in this matter, substantially

as requested.

In order to prevent abuse of the privilege granted, and to protect the consuming public, certain regulations or restrictions are imposed, however, particularly as to clear invoicing of the product sold.

It is therefore ordered, That, pending final disposition of the above entitled matter, temporary relief be, and the same

hereby is, granted as follows:

(1) Commencing forthwith, there is added on page 3 of the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck, under the hearing "(B) Price Exceptions" a paragraph, to read as follows:

Low grade reject or bone coal recovered from gob piles, bins or picking tables, if crushed to not more than 2", shall take the price of the size to which crushed, when shipped into Market Areas 13, 14 and 17; Provided, however, That invoices for such coal contain a notation that such coal is crushed reject coal, or when mixed with natural screenings, that the mixture is one of crushed reject coal and natural screenings.

(2) Commencing forthwith, there shall be added on page 3 of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, under the heading "(B) Price Exceptions", a paragraph, to read as follows:

The price of low grade reject or bone coal recovered from gob piles, bins or picking tables, which has not been crushed, when sold for truck delivery from rail mines to be delivered to a destination no more than 20 miles from the mine, gob pile or bin, shall be \$1.95\$ per net ton f. o. b. the mine, gob pile or bin, \$Provided, however, That the invoices, sales ticket, or other memoranda of sale for such coal shall contain the designation "Reject".

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be construed to constitute an expression of opinion regarding the granting of final or permanent relief in this proceeding.

Dated: January 7, 1943.

[SEAL] DAN H. WHEELER, Director.

[F. R. Doc. 43-417; Filed, January 8, 1043; 11:15 a. m.]

<sup>&</sup>lt;sup>1</sup>This order is not intended, nor shall it be construed, to revise the effective minimum price heretofore established for low grade, reject (Size Group 11) coal of the Wheeling Township No. 2 Mine of the Wheeling Township Coal Mining Company.

## [Docket No. A-1811] DISTRICT BOARD 9

#### NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 9 for the reduction of minimum prices for washed coals approximately 10 mesh x 0 in size group 25 produced at the Sentry Mine (Mine Index No. 72) of the Sentry Coal Mining Company for rail shipments.

A petition pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party requesting, both temporary and

permanent relief;

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 26, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in the offices of the Division will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence; to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division, for Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 21, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 to reduce the minimum prices applicable to washed coals approximately 10 mesh x 0 in size, produced at the Sentry Mine (Mine Index No. 72) of the Sentry Coal Mining Company, a code member in District No. 9, to the same minimum prices applicable to the coals in Size Group 25 produced at the Beech Creek Mine (Mine Index No. 1) of the Beech Creek Coal Company, in District No. 9.

It is further ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

Dated: January 7, 1943.

DAN H. WHEELER, Director.

[F. R. Doc. 43-418; Filed, January 8, 1943; 11:15 a. m.]

## General Land Office.

[Public Land Order 73]

WITHDRAWING ADDITIONAL PUBLIC LAMPS FOR FLOOD CONTROL PURPOSES

By virtue of the authority contained in the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141-143), and section 1 of the act of June 28, 1934, as amended, c. 865, 48 Stat. 1269 (U.S.C., title 43, sec. 315), and pursuant to Executive Order No. 9146 of April 24, 1942, It is ordered as follows:

The following-described public lands in Nevada are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved, subject to valid existing rights, for the use of the Grazing Service, Department of the Interior, as an addition to the withdrawal for purposes of flood and erosion control made by Executive Order No. 6541 of December 28, 1933:

#### MOUNT DIABLO MERIDIAN

T. 14 S., R. 66 E.

Sec. 16, NE!{|SE!{|}; Sec. 22, NE!{|NW!{|}} and SE!{|SW!{|}}.

The areas described aggregate 120 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of the Acting Secretary of the Interior of November 3, 1936, establishing Nevada Grazing District No. 5, so far as it affects the above-described lands.

ARE FORTAS. Acting Secretary of the Interior. DECEMBER 29, 1942.

[F. R. Doc. 43-410; Filed, January 8, 1943; 9:33 a. m.]

# [Public Land Order 74]

## CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR AVIATION PUR-

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, It is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing laws, and reserved for the use of the War Dapartment for aviation purposes:

CAR ECCHARDING LICENDIAN

T. 5 S., R. 16 E. Sec. 5, E1/28W14; Sec. 17, NIENE 4.

The areas described aggregate 160 acres.

This order shall take precedence over, but shall not rescind or revoke, the withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are reserved.

> ARE FORTAS. Acting Secretary of the Interior.

JANUARY 1, 1943.

[P. R. Doc. 43-411; Filed, January 8, 1943; 9:33 a. m.]

## [Public Land Order 75]

#### WASHINGTON

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN ARTILLERY PANCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to section 10 of the act of Dacember 23, 1916, 39 Stat. 865 (U.S.C., title 43, sec. 300), and also to section 3 of the act of June 17, 1902, 32 Stat. 388 (U.S.C., title 43, sec. 416), It is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas are hereby withdrawn from all forms of appropriation under the publicland laws, including the mining and mineral leasing laws, and reserved for the use of the War Department as an artillery range:

#### WILLAMETTE MERIDIAN

T. 13 N., R. 19 E., Sees. 1, 2, 3, 11, and 12. T. 14 N., R. 19 E., Sec. 1 and 2:

Sec. 3, lots 1, 2, SI2NE14, and SE14;

Sec. 10, E1/2 and SW1/4; Secs. 11 to 15, inclusive, secs. 22 to, 23, inclusive, and secs. 34 to 36, inclusive.

T. 13 N., R. 20 E., Seco. 1 to 15, inclusive. T.14 N., R. 20 E.

T. 13 N., E. 21 E., Scc. 1 to 23, inclusive.

T. 14 N., R. 21 E. T. 13 N., R. 22 E.

Secs. 6, 7, 18, 19, and 39.

T. 14 N., R. 22 E., Seco. 3 to 10, inclusive, secs. 15 to 22, inclusive, and coss. 27 to 34, inclusive.

The areas described, including both public and non-public land, aggregate 107,125.13 acres.

This order shall take precedence over. but shall not rescind or revoke, (1) the order of February 5, 1917, of the Secretary of the Interior withdrawing certain lands for reclamation purposes, and (2) the order of March 1, 1919, of the Secretary of the Interior withdrawing lands for stock driveway purposes (Stock Driveway No. 71), so far as such orders affect any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior, when they are no longer needed for the purpose for which they are

reserved.

ABE FORTAS,

Acting Secretary of the Interior.

JANUARY 1, 1943.

[F. R. Doc. 43-412; Filed, January 8, 1943; 9:34 a. m.]

# DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 103-A 5]

New Orleans, Louisiana, Marketing Area

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the New Orleans. Louisiana, marketing area.

Orleans, Louisiana, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure thereunder (7 CFR 900.1-900.17; 6 F.R. 6570, 7 F.R. 3350), notice is hereby given of a hearing to be held in the Monteleone Hotel, New Orleans, Louisiana, beginning at 10 a. m., c.w.t, January 15, 1943, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modication thereof, which are hereinafter set forth. Such evidence may also include economic or marketing data relative to the provisions of the said tentatively approved marketing agreement and order which will be affected by approval of the proposed amendments or any modification thereof. The amendments which have been proposed are set forth below:

Proposed by the Dairy Farmers Protective League, Inc.

- 1. Delete § 942.5 (a) (1) and substitute therefor the following:
- (1) Class I milk \$4.00 per hundredweight from the effective date of this amendment through March 1944 inclusive, and \$3.15 thereafter.
- 2. Delete § 942.5 (a) (2) and substitute therefor the following:

(2) Class II milk \$3.33 per hundredweight.

Proposed by the Dairy and Poultry Branch

- 1. Review the Class III prices set forth in § 942.5 (a) (3).
- 2. Delete § 942.1 (a) (1) and substitute therefor the following:
- (1) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is or who may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.
  - 3. Add as § 942.12 the following:
- § 942.12 Agents. The Secretary may by designation in writing name any officer or employee of the United States or any Bureau or Division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.
- 4. Review-the butterfat differential in § 942.8 (d).

Proposed by Cloverland Dairy Products
Company

1. Amend §§ 942.4 (b) and 942.5 (a) to include a new classification and price applicable to milk used or disposed of as butter.

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and of the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated: January 8, 1943.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.

[F. R. Doc. 43<sup>4</sup>22; Filed, January 8, 1943; 11:19 a. m.]

#### LOWELL-LAWRENCE, MASS., MARKETING AREA

#### HANDLING OF MILK

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, as amended, and to Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts. marketing area.

Pursuant to § 900.12 (a), General Regulations, as amended, Agricultural Marketing Administration, United States Department of Agriculture, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration with respect to an amended marketing agreement and to an amended marketing order regulating the handling of milk in the Lowell-Lawrence, Massa-

chusetts, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 1019, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the Federal Register.

The proceeding was initiated by the Agricultural Marketing Administration as the result of written petitions filed by the New England Milk Producers' Association, Inc., for a public hearing to receive evidence on several amendments it proposed. Other amendments were proposed by handlers after all interested parties had been notified by letter of the pending petition. It was concluded from consideration of the various pro-posed amendments that the hearing should be held and a notice of hearing was accordingly issued on September 18, 1942. The hearing was convened September 30, 1942, at Andover, Massachusetts. The hearing included, in addition to the industry proposals, consideration of proposals for amendments made by the Dairy and Poultry Branch, Agricultural Marketing Administration.

The major issues developed at the hearing were concerned with (1) the classification of milk actually lost in handling operations (commonly known as shrinkage) and classification of buttermilk, (2) the level of prices for Class I milk both inside and outside the marketing area, (3) differentials to be allowed for cost of handling milk at country plants, (4) differentials to reflect cost of transporting milk to the market, (5) the Class II skim milk price level, and (6) the need for increasing the assessment for cost of administration of the order. In addition several proposals of an administrative nature were also con-

sidered.

With respect to these issues, it is concluded from the record:

(1) Actual plant shrinkage should be reclassified from the present arrangement, which requires shrinkage associated with the handling of each class of milk to be in the respective class, to an arrangement whereby all actual shrinkage up to 2 percent of the quantity of milk received by handlers shall be Class II milk and the Class I price level should be increased 1 cent per hundredwight to offset the effect of such reclassification on handlers' net cost for Class I milk.

(2) The Class II price for milk received at country plants should be revised to reflect transportation allowances by 50-mile zones in line with average rates from such zones reflected by the "New England Joint Tariff, M-3," and to reduce the amount now reflected as a plant handling allowance from 21.5 to 20.0 cents per hundredweight.

(3) The Class I price should be increased to \$4.10 per hundredweight, 3.7 percent butterfat milk, delivered at handlers' city plants, whenever the price of 92-score butter at New York is 45 cents or more per pound.

(4) The Class II skim value should be revised to provide a value for skim milk based on prices published by the United States Department of Agriculture for roller process skim milk powder for both human consumption and ani-

<sup>&</sup>lt;sup>2</sup> Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

mal feed, the yield factor and manufacturing cost factor to be as now provided in milk marketing Order No. 27 (New York metropolitan marketing area).

(5) The assessment for cost of administration of the order should be increased from 3 cents to 4 cents per hundredweight of milk.

(6) Administrative amendments should be made to revise the definition of the term "Secretary" to include any person who may be authorized to exercise the powers and to perform the duties of the Secretary, to amplify the powers of the market administrator to disseminate statistics and information concerning the operation of the order, to amplify the provision relating to the responsibility of handlers in establishing the classification of milk, to clarify the powers of the market administrator with respect to access to books and records necessary to verify reports of handlers, to revise the classification of milk sold to a plant beyond the marketing area, to revise the application of the order to milk shipped to a plant subject to the order regulating the Greater Boston marketing area, to revise the allocation of milk of a handler's own production in computing his pool, to delete an obsolete reference to the Massachusetts Milk Control Board, and to add a new section entitled "Agents," which will allow the Secretary by designation in writing to name any officer or employee of the United States or any division of the United States Department of Agriculture to act as his agent in connection with this regulation.

From the evidence in the record it is concluded that the other proposals for amendments heard at the hearing should not be adopted. These include reclassification of buttermilk from Class I to Class II, reduction of the difference between the Class I price at city plants and country plants of from 13 to 8 cents per hundredweight, extension of the city plant Class I price to include all milk delivered from producers' farms to receiving plants located within 40 miles of the City Hall of Lowell or Lawrence, and provision for pricing Class I milk sold outside the marketing area at prevailing prices in such outside markets, if such prices are different from the Lowell-

Lawrence price.

The following proposed amended marketing order prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, as amended, Agricultural Marketing Administration, is recommended as the detailed means by which these conclusions may be carried out. The proposed amended marketing agreement is not included in this report because the provisions thereof will be the same as the provisions of the proposed amended marketing order.

Proposed Marketing Order, As Amended, Regulating the Handling of Lills in the Lowell-Lawrence, Massachusetts, Marketing Area 1

It is found upon the evidence introduced at the public hearing held at Andover, Massachusetts, September 30, 1942:

## Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such mill:, as determined pursuant to Secs. 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be

the policy of Congress to establish;
2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as, and is applicable only to handlers, defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

#### **Provisions**

§ 934.3 Definitions—(a) Terms. As used herein the following terms shall have the following meanings:

(1) The term "act" means Public No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States for any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the power and perform the duties of the Secretary of Agriculture of the United States1.

(3) The term "Lowell-Lawrence, Massachusetts, marketing area," hereinafter called the "marketing area," means the territory included within the boundary lines of the cities and towns of Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Lawrence, Lowell, Methuen,

North Andover, Tewlisbury, Tyngsboro, and Westford, Massachusetts.

(4) The term "person" means any individual, partnership, corporation, assoclation, or any other business unit.

(5) The term "producer" means any person who produces milk which is delivered to a receiving plant from which milk is shipped to, or sold in, the marketing area during any delivery period.

(6) The term "association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 1988 ruary 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the

producers thereof.
(7) The term "handler" means any person who, on his own behalf or as agent for producers, produces mill:, or purchases or receives milk from producers, associations of producers, or other handlers, and engages in the handling of such mill:, which is sold, distributed, or disposed of as milk or cream within the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(8) The term "producer-handler" means any handler who is also a producer and who receives no milk from other producers and who either ((i) has milk receipts from his own production which he does not dispose of in bulk and which average less than 1,000 pounds daily, or (ii) processes and packages his mill: at a plant located on a farm from which he receives at least 25 percent of the total receipts from his own production which he does not dispose of in bull:1.

(9) The term "market administrator" means the parson designated pursuant to § 934.4 as the agency for the administra-

tion hereof.

(10) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing pariod from the first to and including the last day of each month.

(11) The term "hundredweight" means one hundred pounds of mills or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per

40-quart can.

(12) The term "receiving plant" means any milk plant currently used for receiving, weighing (or measuring), campling, and cooling milk received there directly from producers' farms, and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weigh sheets or other records of producers' deliveries.

<sup>&</sup>lt;sup>1</sup>Bracketed words indicate changes from Order No. 34, as amended, effective August 1, 1941, and as further amended by Amendment No. 1, effective Nov. 1, 1941, and Amendment No. 2, effective April 6, 1942.

§ 934.4 Market administrator—(a) Designation. The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) Powers. The market administra-

tor shall have power:

(1) To administer the terms and provision hereof;

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof; and

(3) To recommend to the Secretary of Agriculture amendments hereto.

[(4) To prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this order as do not reveal confidential information.]

(c) Duties. The market administrator, in addition to the duties hereinafter

described, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 934.12, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance

and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

- (4) Unless otherwise directed by the Secretary, publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not (i) made reports pursuant to § 934.7 or (ii) made payments pursuant to § 934.10; and may at any time thereafter so disclose any such name if authorized by the Secretary so to do; and
- (5) Promptly verify the information contained in the reports submitted by handlers.
- § 934.5 Classification of milk—(a) Basis of classification. Subject to verification by the market administrator, all milk received by a handler from producers or from his own production shall be classified in the classes set forth in (b) of this section in accordance with its utilization by him, except as follows:

(1) Subject to (c) of this section, milk or skim milk moved to another handler or to a plant subject to another order of the Secretary may be classified as reported by both the selling and the receiving handlers, or by the seller alone if the receiver submits no report or if the two reports do not agree: Provided, That no greater quantity shall be classified as Class II milk than the total

milk or skim milk utilized by such receiver as Class II milk, unless the receiver is a cooperative association as determined pursuant to § 934.11 (b), in which event the milk shall be classified in the same manner as though it were received by the association directly from producers.

(2) Milk or skim milk disposed of to persons not handlers who distribute milk or manufacture milk products, and exclusive of milk disposed of to a plant subject to another order of the Secretary, shall be Class I milk, not in excess of the total quantity of Class I milk, or skim milk, at such plant.

(b) Classes of utilization. The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, the utilization of which is not established as Class II milk.

- (2) Class II milk shall be all milk, the utilization of which is established (i) as being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more, but less than 16 percent of butterfat; and other than as or in chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption, and (ii) I as plant shrinkage not in excess of 2 percent of the volume handled].
- (c) Milk delivered by producers to other markets. Milk received by a handler at one of his plants not subject to the provisions hereof from persons reported by him as under contract to have their milk received and paid for as part of his supply for the marketing area shall be considered as received from producers and classified (i) as Class II milk if received at a plant of that handler. the handling of milk in which plant is subject to the order regulating the handling of milk for the Greater Boston marketing area, and (ii) as Class I milk if received at a plant of that handler the handling in which plant is not subject to the order regulating the Greater Boston marketing area.

(d) Responsibility of handlers in establishing the classification of milk. [In establishing the classification of any milk received by a handler from producers the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.]

§ 934.6 Minimum class prices—(a) Class I price to associations of producers. Each handler shall pay an association of producers, at the time set forth in § 934.10 (a) and subject to the butter-fat differential calculated pursuant to § 934.10 (c), for Class I milk delivered in bulk from such association's receiving plant to such handler's plant located within 20 miles of the city hall in Lowell or Lawrence, not less than the applicable price pursuant to (b) (1) of this section plus 13 cents.

(b) Class I price to producers. Each handler shall pay producers, at the time and in the manner set forth in § 934.10, for Class I milk delivered by them, not less than the following prices:

[(1) For milk delivered from producers' farms to such handler's plant located within 20 miles from the city hall in Lowell or Lawrence, the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph]

92-score butter, wholesale, at New York, average of quotations of the U.S. Department of Agriculture for 30 days immediately preceding the 25th of each month (cents per pound)	Class I ptico for the deliv- ery period following 25th day of each month (dollars per owt.)
Under 40	3,64 8,87 4,10

(2) For milk delivered from producers' farms to such handler's plant not located within 20 miles of the city hall in Lowell or Lawrence the price per hundred-weight during each delivery period shall be the price effective pursuant to (1) of this paragraph, less an amount per hundredweight equal to the sum of 13 cents and the average of the freight rates (considering 85 pounds to one 40-quart can), from the railroad shipping point for such handler's plant to Lowell and to Lawrence, calculated according to the lowest applicable rail tariffs for the transportation in carload lots of milk in 40-quart cans.

(3) For the purpose of this paragraph, the milk which was disposed of during each delivery period by each handler as Class I milk from a handler's receiving plant located within 20 miles of the city hall in Lowell or Lawrence shall be considered to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest receiving plant not located within 20 miles of the city hall in Lowell

or Lawrence.

(c) Class II prices. Each handler shall pay producers, at the time and in the manner set forth in § 934.10 for Class II milk delivered by them not less than the following prices per hundredweight:

(1) For such milk delivered to a handler's receiving plant located within 20 miles of the city hall in Lowell or Lawrence, the price calculated pursuant to (2) of this paragraph [for the 201-250 freight mileage zone plus 15 cents].

(2) For such milk delivered to a handler's receiving plant not located within 20 miles of the city hall in Lowell or Lawrence, a price which the market administrator shall compute by combining in one sum such of the following

computations as apply:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply this result by 3.7 and subtract the amount set forth in (d) of this section I for the railroad freight mileage zone of the average distance from the railroad shipping point for such handler's plant to Lowell and to Lawrence;

I(ii) For any delivery period for which no cream price as described in (i) of this subparagraph is reported, multiply the average price reported for such delivery period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4, multiply this result by 3.7; and subtract the amount set forth in (d) of this section for the railroad freight mileage zone of the average distance from the railroad shipping point for such handler's plant to Lowell and to Lawrence; and

I (iii) For all delivery periods except April, May, and June, compute any plus amount for skim value which results from the following: From the average of all the dry skim milk powder quotations for car lots for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation) published during such delivery period by the United States Department of Agriculture for New York City, subtract 4 cents; and multiply this result by 7.5.1.

(iv) For the April, May, and June delivery periods, compute any plus amount for skim value which results from the average of the skim value computed pursuant to' (iii) of this subparagraph and a value obtained as follows: compute the average of all quotations (using midpoint of any range as one quotation) published during the delivery period in the Oil, Paint, and Drug Reporter, for domestic 20-30-mesh casein in bags in car lots at New York, subtract 6.6 cents and multiply this result by 2.2: except that if either computation results in a minus amount, the other shall be used in lieu of the average.

(d) Combined plant handling and transportation differentials. [Differentials provided pursuant to (c) of this section shall be as set forth in the following table:]

Freight zones (miles):	Class II, cènts per <b>c</b> wt		
21–100	22.0 -		
101-150	25.5		
151-200	26.5		
201–250	27.0		
251-300	97.5		

§ 934.7 Reports of handlers—(a) Periodic reports. On or before the 8th day after the end of each delivery period, each handler who receives milk from producers shall, with respect to milk or cream which was received by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

- (1) The receipts at each plant from producers, including the quantity, if any, received from his own production.
- (2) The receipts at each plant from any other handler, including any handler who is also a producer.
- (3) Receipts at each plant pursuant to § 934.8 (c).
- (4) The respective quantities of milk which were sold, distributed, or used, including sales to other handlers, classified pursuant to § 934.5.
- (b) Reports of handlers who receive no milk from producers. Handlers who re-

ceive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) Reports as to producers. (1) Each handler shall submit to the market administrator within 10 days after his request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, and (iv) the number of days on which deliveries were made.

(2) Each handler shall submit to the market administrator, within 10 days after his request, made not earlier than 15 days after the end of the delivery period, his producer payroll for such delivery period, which shall show for each producer; (i) the daily and total pounds of milk delivered with the average butterfat test thereof, and (ii) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(3) On or before the 18th day after each handler becomes subject to the provisions hereof, he shall report to the market administrator a schedule of the transportation rates which were charged and paid for the transportation of milis from the farm of each producer to such handler's receiving plant, and such information with respect to distances involved as the market administrator may require.

(4) On or before the 18th day after any changes are made in the schedule filed in accordance with (3) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(5) On or before the 8th day after the end of each delivery period, each handler shall report the names of any persons whose milk such handler is reporting pursuant to § 934.5 (c) and § 934.8 (c) and include a certification that these persons have contracts as specified therein.

(d) Announcement of transportation rates. On or before the 30th day after the end of each delivery period, the market administrator shall mail to all handlers who receive mill: from producers and shall publicly announce the rate or rates of such deductions made by each handler, as reported, pursuant to (3) and (4) of paragraph (c) of this section, and such information with respect to the distances involved and so reported as the market administrator may deem advisable.

(e) Verification of reports. IFor the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been turnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

I(1) Examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, and memoranda as the market administrator deems relevant and which are within the control (i) of any such handler from whom such report was requested, (ii) of any person having, either directly or indirectly, actual or legal control of or over such handler, or (iii) of any subsidiary of any such handler;

(2) Weigh, sample, and test milk

and mill: products; and

(3) Make such examination of operations, equipment, and facilities as the market administrator deems necessary.

§ 934.8 Application of provisions—(a) Handlers who receive no milk from producers. The provisions hereaf, except as set forth in § 934.7, shall not apply to a producer-handler nor to a handler whose sole source of milk supply consists of receipts from other handlers.

(b) Mill: received from producer-handlers. Mill: of a producer-handler's own production which is delivered in bull: to another handler shall be considered as being delivered by a producer unless the receiving handler is also a producer-handler.

(c) Producers for other markets. Milk received from producers who are reported by a handler as under contract to have their milk received and paid for as part of that handler's supply for a market other than the marketing area, shall be reported under a separate category, and the provisions of § 934.10 and § 934.11, shall not apply.

(d) Mill: subject to the Greater Boston order. The provisions hereof shall not apply, except as provided in § 934.5 to the handling of milk received at any handler's receiving plant which is subject to the provisions of the order of the Secretary regulating the handling of milk in the Greater Boston, Massachusetts, marketing area unless such handler Inot including a cooperative association as qualified pursuant to § 904.11 (a) of such order, sells, distributes, or disposes of less than 10 percent of his total receipts of milk as Class I milk in the Greater Boston marketing areal.

§ 934.9 Minimum composite prices to producers—(a) Computation of value of mill: for each handler. For each delivery period the market administrator shall compute, subject to the provisions of § 934.8, the value of mill: disposed of by each handler, in the following manner:

(1) Subtract from the quantity of such handler's Class I mill: the quantity of mill: received pursuant to § 934.8 (c) from producers who are reported as having contracts applying to the Greater Boston marketing area;

(2) Subtract from the quantity of such handler's Class I milk or of his Class II milk according to the classification thereof as the same is reported and classified pursuant to § 934.5, the quantity of milk received by such handler from other handlers;

(3) Subtract from the quantity of such handler's Class II milk the quantity of milk received pursuant to § 934.8 (c) from producers who are reported as having contracts applying to markets other than the Greater Boston marketing area; and

(4) Multiply the remainder of the quantity of milk in each class by the price applicable pursuant to § 934.6 (b) and § 934.6 (c) and add together the re-

sulting value of each class.

(b) Computation of composite prices. The market administrator shall compute for each handler the composite price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to (a) of this section the amount of the differential applicable

pursuant to § 934.10 (d);

(2) Subtract any amounts required to be paid under the order regulating the handling of milk in the Greater Boston marketing area pursuant to § 934.8 (d); and

(3). Divide the value remaining after subtraction pursuant to (2) of this paragraph by the total quantity of milk included in the computation made pursuant to (a) (4) of this section.

(c) Announcement of composite prices. The market administrator shall mail to all handlers who receive milk from producers and shall publicly announce prices resulting from the computations pursuant to (a) and (b) of this section, and other related information, as follows:

(1) On or before the 12th day after the end of the delivery period, he shall announce the composite price, the Class II price, and the butterfat differential.

- (2) On or before the last day of the month after the end of the delivery period, he shall announce the total quantity and value of Class I milk and Class II milk included in such computations.
- § 934.10 Payments to producers—(a) Time and method of payments. On or before the 18th day after the end of each delivery period, each handler shall make payment, subject to the differentials set forth in this section, for the total value of milk received by him from producers during such delivery period, as computed in accordance with § 934.9 (a), as follows:
- (1) To each producer, except as provided in (2) of this paragraph, at not less than the composite price per hundredweight computed for such handler pursuant to § 934.9 (b).

(2) To producers who are members of an association of producers, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under (1) of this paragraph.

(b) Correction of errors in payments. Errors in making any of the payments required by this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected as the market administrator shall determine to be equitable, either by (i) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of

such handler, or (ii) addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 934.9 (a).

(c) Butterfat differential. Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day, inclusive, of the delivery period during which such milk is delivered, subtract 1.5 cents, divide the result by 10: [Provided, That if no such cream price is reported, multiply the average price reported for such period by the United States Department of Agriculture for 92-score butter at wholesale in the Chicago market by 1.4 subtract 1.5 cents, and divide the result by 10].

(d) Country receiving plant and freight differential. The payments to be made by handlers, pursuant to (a) of this section, for milk delivered by producers at a receiving plant located 20 miles or more from the city hall in Lowell or Lawrence, shall be subject to a deduction of 13 cents plus the average of the lowest freight rates from the railroad shipping point for such handler's plant to Lowell and Lawrence, according to the tariff currently approved by the Interstate Commerce Commission for the transportation in carload lots of milk in 40-quart cans (considering 85 pounds of milk per 40-quart can).

(e) Statement to producers. In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that is may be retained by the producer, which shall show:

(1) The delivery period, and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of (a), (c), and (d) of this section;

(4) The rate which is used in making the payment, if such rate is other than

the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under § 934.11, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 934.11 Marketing service—(a) Marketing service deduction. In making payments to producers pursuant to § 934.10, each handler shall, with respect to all milk delivered by each producer

during each delivery period, except as set forth in paragraph (b) of this section, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufilcient, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producer. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

(b) Marketing service deductions with respect to members of a producers' cooperative association. In the case of producers who are members of an association of producers which is actually performing the services set forth in (a) of this section, each handler shall, in lieu of the deductions specified in (a) of this section, make such deductions from payments made pursuant to § 934.10 as may be authorized by such producers and pay over, on or before the 18th day after the end of each delivery period, such de-

duction to such associations.

§ 934.12 Expense of administration-(a) Payments by handlers. As his pro rata share of the expense of administration hereof, each handler, except as set forth in § 934.8 (a), shall, on or before the 18th day after the end of each delivery period, pay to the market administrator 4 cents per hundredweight or such lesser amount as the market administrator shall determine to be sufficient, with respect to all milk received by him during such delivery period, from producers and from his own production, except that this assessment shall not be deemed to duplicate any amount paid to the market administrator under a separate agreement by the Massachusetts Milk Control Board for cost of administration:

(b) Suits by the market administrator. The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set

forth in this section.

§ 934.13 Effective time, suspension, and termination of order—(a) Effective time. The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) Termination of order. The Secretary may terminate this order whenever he finds that this order obstructs or does not tend to effectuate the de-

clared policy of the act.

This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) Continuing power and duty of the market administrator. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further

acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate, (i) shall continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 904.15 Agents. [The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.]

This report filed at Washington, D. C., the 7th day of January 1943.

[SEAL]

C. W. KITCHEN, Acting Administrator.

[F. R. Doc. 43-423; Filed, January 8, 1943; 11:20 a. m.]

Sugar Agency.

PUERTO RICO AND VIRGIN ISLANDS NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS.

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that public hearings will be held at San Juan, Puerto Rico, in the Auditorium of the Ateneo on January 19, 1943, at 9:30 a. m. and at Christiansted, St. Croix, Virgin

Islands, in the Municipal Council Hall, on January 22, 1943, at 9:30 a.m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of subsection (b) of section 301 of the said act, fair and reasonable wage rates to be paid in Puerto Rico and in the Virgin Islands to persons employed in connection with the production, cultivation or harvesting of the 1942-43 crop on farms with respect to which applications for payment under the act are made, and (2), pursuant to the provisions of subsection (d) of section 301 of the said act, fair and reasonable prices for the 1942-43 crop of sugarcane to be paid, under either purchase or toll agreements, by persons who, as producers, apply for payments under the said act; and (3), pursuant to the provisions of section 511 of the said act. to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations with respect to the terms and conditions of contracts between producers and processors of sugarcane.

Such hearings, after being called to order at the time and place mentioned above, may for convenience, be adjourned to such other place in the same city as the presiding officers may designate and may be continued from day to day within the discretion of the presiding officers.

Joshua Bernhardt, C. M. Nicholson, E. T. MacHardy, H. H. Simpson, J. Bernard Frisble, Davis D. Slappey, and L. R. Fike are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C., this 7th day of January 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL, Assistant Secretary.

[F. R. Doc. 43-420; Filed, January 8, 1943; 11:19 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6483]

POSTAL TELEGRAPH-CABLE COMPANY

NOTICE OF HEARING, ETC.

In the matter of Postal Telegraph— Cable Company (New York), charges for telegraph communications between the United States and New Hebrides.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of January 1943;

It appearing that Postal Telegraph—Cable Company (New York) has in effect charges for telegraph communications from the United States to New Hebrides via British Pacific cable (Australia) which are the same as the proposed charges of The Western Union Telegraph Company suspended by the Commission in Docket No. 6481;

 It further appearing that the Postal Telegraph-Cable Company also has in effect charges for telegraph communications from the United States to New Hebrides, via routes other than British Pacific cable (Australia) which are lower than its charges for telegraph communications from the United States to New Hebrides via British Pacific cable (Australia);

It further appearing that such charges of the Postal Telegraph-Cable Company may be unjust and unreasonable, unjustly, unreasonably, and unduly discriminatory, preferential, advantageous, disadvantageous, or prejudicial, or otherwise violative of the Communications Act of 1934, as amended;

It is ordered, That an investigation be, and the same is hereby, instituted into the rates, charges, classifications, practices, regulations and services of the Postal Telegraph-Cable Company for and in connection with telegraph communication service between the United States and New Hebrides:

It is further ordered, That the Postal Telegraph-Cable Company, and each carrier subject to the Commission's jurisdiction which participates with Postal Telegraph-Cable Company in rendering telegraph communication service between the United States and New Hebrides be, and they are hereby, each made a party respondent to this proceeding; and that copies hereof be served upon each such party respondent;

It is further ordered, That this proceeding be, and the same is hereby, consolidated with the proceeding in Docket No. 6481 for purposes of hearing, and it is hereby assigned for hearing at the offices of the Commission in Washington, D. C., beginning at 10:00 a.m., on the 27th day of January 1943

of January, 1943. By the Commission.

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 43-403; Filed, January 8, 1943; 10:17 a.m.]

# FEDERAL TRADE COMMISSION.

[Docket No. 4511]

PARFUM L'ORLE, INC.

ORDER APPOINTING TEIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 25, 1943, at ten o'clock in the forencon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary.

[F. R. Doc. 43-434; Filed, January 8, 1943; 11:48 a. m.]

[Docket No. 4705]

SALLY'S FURS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41).

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, January 22, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 43-435; Filed, January 8, 1943; 11:48 a. m.]

[Docket No. 4742]

MONTE CARLO HATS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, January 21, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary.

[F. R. Doc. 43-436; Filed, January 8, 1943; 11:48 a. m.]

[Docket No. 4790]

HABAND COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIX-ING TIME AND PLACE FOR TAKING TESTI-MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section

It is ordered That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered That the taking oftestimony in this proceeding begin on Monday, January 18, 1943, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary.

[F. R. Doc. 43-437; Filed, January 8, 1943; 11:48 a. m.]

[Docket No. 4791]

CLERMONT CRAVAT COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTI-

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 18, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary.

[F. R. Doc. 43-438; Filed, January 8, 1943; 11:49 a. m.]

INTERSTATE COMMERCE COMMIS-

[Ex Parte No. 148]

Increased Railway- Rates, Fares, and Charges, 1942

NOTICE OF FURTHER HEARING, LTC.

JANUARY 4, 1943.

This proceeding is assigned for further hearing before Commissioners Aitchison, Mahaffle, and Splawn, at the office of the Commission in Washington, D. C., at 0 o'clock a. m., Eastern War Time, February 2d, 1943, to be followed by oral argument, without briefs, before the Commission, as soon as practicable after the close of the further hearing, according to announcement which will be made during such hearing.

Briefs and written arguments will not be expected, except in lieu of oral argument. If any such are so filed, 20 copies should be sent to the Commission at its office in Washington, and 5 copies to R. V. Fletcher, counsel for class I railroads, Transportation Building, Washington, D. C., not later than February 15, 1943. Service should also be made upon other counsel who may have a direct interest in the particular brief. Replies may be served and filed within 10 days after that date. With respect to form and style briefs should comply with the Commission's Rules of Practice.

In the absence of objection, the Commission will take official notice of facts set forth in its current statistical publications (including such as may be issued after the conclusion of the further hearing but prior to the decision thereon) as follows:

1. Operating revenues and operating expenses of Class I steam railways in the United States (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-100, Monthly).

2. Operating revenues and operating expenses for large steam railways (individually), (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-150, Monthly).

3. Selected income and balance sheet items of Class I steam rallways. (I. C. C. Bu-

reau of Transport Economics and Statistics Statement No. M-125, Monthly).

4. Wage statistics of Class I steam railways, (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-300, Monthly).

5. Fuel and power for locomotives (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-230, Monthly).

6. Freight train performance (I. C. G. Bu-reau of Transport Economics and Statistics Statement No. M-211, Monthly).

7. Passenger train performance (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-213, Monthly).

8. Revenue traffic statistics (I. C. C. Bureau of Transport Economics and Statistics Statement No. M-220, Monthly). 9. Freight commodity statistics (I. C. C. Bu-

reau of Transport Economics and Statistics Statement No. Q-500, Quarterly).

10. Freight commodity statistics (I. C. C. Bureau of Transport Economics and Statistics Statement No. 41100, Annual).

11. Motive power and car equipment statistics (I. C. C. Bureau of Transport Economics and Statement No. M-240, Monthly).

12. Passenger traffic statistics (other than commutation) of Class I steam railways

(I. C. C. Bureau of Transport Economics and Statistics Statement No. M-250, Monthly).

13. Revenue freight loaded and received from connections (published weekly by the Association of American Railroads, Car Service Division).

Without such objection to this course made on the opening day of the further hearing, the Commission will consider it stipulated by all parties that such statements may be referred to by the Commission or any party for all purposes in connection with the further consideration of this proceeding.

Attention is called to the appendix hereto, containing special instructions and rules of procedure to be followed by parties who participate in the further hearing.

By the Commission.

[SEAL]

W. P. BARTEL, Secretary.

#### APPENDIX

Simplification of presentations. In order to conserve time and avoid expense and travel, as well as the inconvenience of attendance on the hearing in a congested city, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest possible extent, endeavor to consolidate their presentation of testimony, and arrange for crossexamination by as few counsel as possible. The same course should be followed upon oral argument. All persons who can do so should tender verified statements in lieu of appearing personally.

Exhibits. In the preparation of exhibits Rule 84 of the Rules of Practice should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably indexed and bound together. In order to supply the State Commissions, members of this Commission and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. Parties will be expected to distribute copies of their exhibits reasonably in advance of their presentation at the hearing.

Prepared statements. Witnesses who expect to read from a written statement must comply with Rule 77 of the Rules of Practice.

Verified statements (afildavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection as herein-after specified. Parties desiring to offer such statements should send the original and 15 copies to the Commission at its office, Washington, D. C., 50 copies to John E. Benton, General Counsel, for the National Association of Railway and Utilities Commissioners, New Post Office Building, Washington, D. C., for the use of the State Commissions, and 25 copies to R. V. Fletcher, Counsel for the applicants, Transportation Building, Washington, D. C., on or before January 26, 1943. Copies of such statements must also be furnished to any other interested parties who specifically request them. Any objection to the receipt in evidence of any verified statement must be made on the record at the hearing, and the parties submitting such statements should be so advised prior to the end of the first session of the further hearing. If no such notice of objection to a particular statement is given, it will be considered that objection thereto is waived. subject to the reserved right of objection to the weight to be accorded the statement.

Such statements should conform to Rule 15 of the Rules of Practice in respect of style, mimeographing, printing, etc. They should be limited strictly to statements of fact, and should contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented on further hearing, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to the introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record upon which the Commission will base its de-

Notice of intention to introduce testimony. Persons who desire to be heard will facilitate the arrangements necessary by sending notice to the Commission at Washington of their intention. so as to reach the Commission on or before January 29, 1943, which shall state the number of witnesses, and the approximate amount of time necessary to the presentation of direct testimony. If such notices are given generally and sufficiently in advance, the Commission will endeavor to program the testimony so that witnesses may know on what day their testimony may be given.

Request to produce certain testimony and to discuss the same in argument. The Commission requests the applicants and other parties in the presentation of evidence and argument on further hearing to discuss the desirability, feasibility, and legality of a requirement that the revenue received by them from the authorized increases in rates, fares, and charges, heretofore or hereafter made, shall be kept separate from other operating income of applicants, and be expended solely for additions and betterments to the operating plant or for the reduction of funded or unfunded debt.

[F. R. Doc. 43-424; Filed, January 8, 1943; 11:44 a. m.)

[Ex Parte No. 148]

INCREASED RAILWAY RATES, FARES, AND CHARGES, 1942

> ORDER FOR FURTHER HEARING AND RECONSIDERATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of January 1943.

Ordered, That the above-entitled proceeding is hereby reopened for further hearing and for reconsideration: (1) for the purpose of supplementing and making current the record herein; (2) with respect to the matters of fact alleged and the prayers contained in the several patitions for reopening or for reconsideration now on file herein, and of the answers thereto; and (3) and upon the record as supplemented and made current to consider what, if any, change should be made in the findings and conclusions of the report hereinbefore made, and of the various orders. authorizations, and approvals heretofore made in this proceeding, and whether the same shall be continued. modified in any respect, suspended, or terminated, and to enter any appropriate order or orders in the premises.

It is further ordered, That notice of the time and place of the further hearing, and of the special rules and instructions as to procedure governing the conduct of the case, be served upon the parties in the usual manner, and upon the persons filing the petitions hereinbefore mentioned.

By the Commission.

[SEAL]

W. P. BARTEL. Secretary.

[F. R. Doc. 43-425; Filed, January 8, 1943; 11:44 a. m.]

OFFICE OF DEFENSE TRANSPORTA-

[Supplementary Order ODT 3 Revised 11]

COMMERCIAL MOTOR FREIGHT, INC., AND THE CLEVELAND, COLUMBUS & CINCHINATI HIGHWAY, INC.

ORDER COORDINATING MOTOR VEHICLE SERVICE

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of property in less-than-truckload lots between Marion, Ohio, on the one hand, and Cardington and Mt. Gilead, Ohio, on the other; and between Mansfield, Ohio, on the one hand, and Loudonville, Bellville, Fredericktown, Polk, Sullivan, Mt. Vernon and Wellington, Ohio, on the other, filed with the Office of Defense Transportation by Commercial Motor Freight, Inc., an Ohio corporation, of Columbus, Ohio, and The Cleveland, Columbus & Cincinnati Highway, Inc., an Ohio corporation, of Cleveland, Ohio, as governed by § 501.9 of General Order ODT 3, Revised, as amended, and good cause appearing therefor: It is hereby ordered, That:

- 1. Commercial Motor Freight, Inc., shall discontinue the transportation of shipments in less-than-truckload lots moving between its terminal at Marion, Ohio, or through that terminal, on the one hand, and points of delivery and collection at Cardington and Mt. Gilead, Ohio, on the other; and in respect of such shipments moving between its terminal at Mansfield, Ohio, or through that terminal, on the one hand, and points of delivery and collection at Loudonville, Bellville, Fredericktown, Polk and Sullivan, Ohio, on the other; and shall divert such shipments to the Cleveland, Columbus & Cincinnati Highway, Inc., for transportation between those points.
- 2. The Cleveland, Columbus & Cincinnati Highway, Inc., shall accept from Commercial Motor Freight, Inc., all shipments diverted to it pursuant hereto and shall transport such shipments over its routes between the terminal of Commercial Motor Freight, Inc., at Marion, Ohio, on the one hand and points of delivery and collection at Cardington and Mt. Gilead, Ohio, on the other; and between the terminal of Commercial Motor Freight, Inc., at Mansfield, Ohio, on the one hand, and points of delivery and collection at Loudonville, Bellville, Fredericktown, Polk, and Sullivan, Ohio, on the other, on the billing, and pursuant to the tariff rates and the rules and regulations, of Commercial Motor Freight, Inc.
- 3. The Cleveland, Columbus & Cincinnati Highway, Inc., shall discontinue the transportation of shipments in less-than-truckload lots moving between its terminal at Mansfield, Ohio, or through that terminal, on the one hand, and points of delivery and collection at Mt. Vernon and Wellington, Ohio, on the other; and shall divert such shipments to the Commercial Motor Freight, Inc., for transportation between those points.
- 4. Commercial Motor Freight, Inc., shall accept from The Cleveland, Columbus & Cincinnati Highway, Inc., all shipments diverted to its pursuant hereto and shall transport such shipments over its routes between the terminal of The Cleveland, Columbus & Cincinnati Highway, Inc., at Mansfield, Ohio, on the one hand, and Mt. Vernon and Wellington, Ohio, on the other, on the billing, and pursuant to the tariff rates and the rules and regulations of The Cleveland, Columbus & Cincinnati Highway, Inc.

5. The Cleveland, Columbus & Cincinnati Highway, Inc., shall perform the pickup and delivery at Cardington, Mt. Gilead, Loudonville, Bellville, Fredericktown, Polk and Sullivan, Ohio, with respect to shipments diverted to it pursuant hereto; and Commercial Motor Freight, Inc., shall perform the pickup and deliv-

ery at Mt. Vernon and Wellington, Ohio, with respect to shipments diverted to it pursuant hereto.

- 6. The division of revenues derived from transportation performed pursuant hereto shall be as agreed upon by the carriers, or, in the event the carriers are unable to agree thereon, shall be as determined by the Office of Defense Transportation.
- 7. The carriers forthwith shall file with the Interstate Commerce Commission and any other regulatory body or bodies having jurisdiction over the operations affected by this order, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in fares, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.
- 8. Nothing contained herein shall be so construed as to permit or require the carriers herein named to perform any transportation service which is not authorized or sanctioned by law.
- 9. Communications concerning this order should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Supplementary Order ODT 3 Revised—11."
- 10. This order shall become effective January 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 8th day of January 1943.

JOSEPH B. EASTMAN, Director of Defense Transportation.

[F. R. Doc. 43-416; Filed, January 8, 1943; 11:04 a. m.]

OFFICE OF PRICE ADMINISTRATION.
[Order 2 Under Rev. Maximum Export Price Reg.]

M. Rothschild and Co.

ORDER DENYING PETITION

Order No. 2 under § 1375.9 (c) of the Revised Maximum Export Price Regulation.

On November 7, 1942, M. Rothschild & Co., New York, New York, filed a petition for relief from § 1375.9 (c) of the Revised Maximum Export Price Regulation, pursuant to the provisions of that section.

The petitioner sells to a distributor in Brazil and invoices directly to the distributor's buyers, who are private firms or individuals, at the distributor's selling prices. This practice permits of easy evasion of the Revised Maximum Export Price Regulation, and makes impossible its enforcement unless certain safeguards are present. These safeguards are not present in the instant case. Petitioner presents no special circumstance in his case sufficient to justify an exception

without the presence of these safeguards. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, it is hereby ordered that the petition be denied.

Issued and effective this 7th day of January 1943.

Leon Henderson, Administrator.

[F. R. Doc. 43-372; Filed, January 7, 1943; 12:06 p. m.]

[Order 133 Under MPR 120]

J. G. Root

ORDER GRANTING ADJUSTMENT

Order No. 133 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120–276.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, It is hereby ordered:

- (a) Coal in Size Groups 1 and 14, produced by J. G. Root, Shelbyville, Illinois, at his Penwell Mine (Mine Index No. 1531) District No. 10, may be sold and purchased for shipment by truck or wagon at prices per net ton not to exceed \$4.50 and \$2.00 respectively, f. o. b. the mine:
- (b) Within thirty (30) days from the effective date of this order, J. G. Root shall notify all persons purchasing its coals of the adjustments granted by this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122;
- (c) This Order No. 133 may be revoked or amended by the Price Administrator at any time;
- (d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;
- (e) This Order No. 133 shall become effective January 8, 1943.

Issued this 7th day of January 1943.

Leon Henderson, Administrator.

[F. R. Doc. 43-377; Filed, January 7, 1943; 12:05 p. m.]

[Order 134 Under MPR 120] LILLY COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 134 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant— Docket No. 3120–238.

<sup>&</sup>lt;sup>1</sup>7 F.R. 5445; 7 F.R. 6689.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, It is hereby ordered:

(a) Coal in Size Group 6 produced by Lilly Coal Company, Arcola, West Virginia, at its Lilly Mine, Mine Index No. 91, District No. 3, may be sold and purchased f. o. b. the mine, for shipment by rail at a price per net ton not to exceed

\$3.75;

(b) Within thirty (30) days from the effective date of this order, the said Lilly Coal Company shall notify all persons purchasing its coals of the adjustments granted by this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 134 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petitioner not granted herein are hereby denied;

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(f) This Order No. 134 shall become effective January 8, 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-378; Filed, January 7, 1943; 12:05 p. m.]

[Order 135 Under MPR 120]

ROARING CREEK COAL COMPANY
ORDER GRANTING ADJUSTMENT, ETC.

Order No. 135 under Maximum Price Regulation No. 120—Bituminous Coal D2livered From Mine or Preparation Plant— Docket No. 1120–85–P.

In the matter of Roaring Creek Coal Company, protestant.

Granting adjustment and denying protest insofar as relief is not granted.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, It is ordered:

(a) Granting adjustment. (1) Bituminous coal in Size Group 6 produced at the Hart No. 1 Mine (Mine Index No. 795), District No. 3, of the Roaring Creek Coal Company, Beverly, West Virginia, may be sold or purchased for shipment by rail, at prices not to exceed \$3.00 per net ton, f. o. b. the mine;

(2) Bituminous coal in Size Group 5 produced at the said Hart No. 1 Mine, may be sold or purchased for shipment by truck or wagon, at prices not to exceed \$2.88 per net ton, f. o. b. the mine;

(3) Paragraph (a) of this order may be revoked or amended by the Price Administrator at any time:

(4) Within thirty days from the effective date of this order, the said Roaring Creek Coal Company shall notify all persons purchasing its coal of the adjustments granted in this order and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions contained in Amendment No. 8 to Maximum Price Regulation No. 122:

(b) Denial of protest except insofar as relief is granted in this Order No. 135. The protest filed by the said Roaring Creek Coal Company against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120-85-P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 135;

(c) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

herein; (d) This Order No. 135 shall become effective January 8, 1943.

Issued this 7th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-379; Filed, January 7, 1943; 12:03 p. m.]

[Order 8 Under MPR 152]

SUN GARDEN PACKING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 8 under Maximum Price Regulation No. 152—Canned Vegetables.

Approval of maximum prices for Sun Garden Packing Company, 210 California Street, San Francisco, California. On August 26, 1942, the Sun Garden

On August 26, 1942, the Sun Garden Packing Company filed an application for specific authorization to charge a particular maximum price pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by the applicant, with respect to the packing in 8 ounce size (Buffet) cans of tomato sauce meeting the density specification of 10.7% dry tomato solids.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Pfice Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, It is hereby ordered, That:

(a) The Sun Garden Packing Company may sell, offer to sell or deliver, and any person may buy, offer to buy or receive 8 ounce size (Buffet) cans of tomato sauce of a density of 10.7% dry tomato solids at a price no higher than the maximum price of \$.42 per dozen, f. o. b. factory.

(b) This Order No. 8 may be revoked or amended by the Price Administrator at any time. (c) The applicant, Sun Garden Packing Company shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(d) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) This Order No. 8 shall become effective on January 8, 1943.

ective on January 8, 1943. Issued this 7th day of January 1943.

LEON HENDLESON,
Administrator.

[F. R. Drc. 43-373; Filed, January 7, 1943; 12:67 p. m.]

[Order 9 Under LIPR 152]

EMMOLO BROTHERS PACKING COMPANY

APPROVAL OF LIAXILIUM PRICE

Order No. 9 under Maximum Price Regulation No. 152—Canned Vegetables. Approval of maximum prices for Emmolo Brothers Packing Company, St. Helena, California.

Emmolo Brothers Packing Company has filed an application for specific authorization to charge a particular maximum price pursuant to § 1341.22 (d) of Maximum Price Regulation No. 152.

Due consideration has been given to the information submitted by the applicant with respect to the packing in 5 gallon cans of tomato puree meeting the density specification of 1.045 speclife gravity.

For the reasons set forth in the opinion which accompanies this order and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 It is hereby ordered. That:

(a) The Emmolo Brothers Packing Company may sell, offer to sell, or deliver and any person may buy, offer to buy or receive 5 gallon cans of tomato puree of a density of 1.045 specific gravity at a price no higher than the maximum price of \$2.30 per 5 gallon can f. o. b. factory.

(b) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(c) The applicant, Emmolo Brothers Packing Company, shall not change its customary allowances, discounts or price differentials unless such change results in a lower price.

(d) Unless the context otherwise requires the definitions set forth in § 1341.30 of Maximum Price Regulation No. 152 and section 302 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(e) This Order No. 9 shall become effective on January 8, 1943.

Issued this 7th day of January 1943.

Leon Henderson, Administrator.

[F. R. Doc. 43-375; Filed, January 7, 1943; 12:07 p. m.]

[Order 9 Under MPR 163] NORTHFIELD MILLS, INC. APPROVAL OF MAXIMUM PRICE

Order No. 9 Under § 1410.119 of Maximum Price Regulation No. 163—Woolen or Worsted Civilian Apparel Fabrics.

Northfield Mills Incorporated of Northfield, Vermont, made application under § 1410.119 of Maximum Price Regulation No. 163 for authorization to determine maximum prices for two fabrics, Styles 426 and 520. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration, It is ordered:

(a) On and after January 8, 1943, Northfield Mills, Incorporated may sell and any person may buy from the Northfield Mills, Incorporated, the following fabrics at prices not in excess of the following applicable maximum prices:

Style No. of fabric	Specifications	Maxi- mum price
426 520	Women's wear Shetland; 100% wool; 12/12/2 ounces in weight; 58 inches in finished width; 29 ends and 23 picks per finished inch; stock dyed and cross dyed fabrie. Women's wear Shetland; 100% wool; 12/12/2 ounces in weight; 58 inches in finished width; 29 ends and 23 picks per finished inch; piece dyed fabrie.	Per yard \$2.00

(b) The maximum prices established in paragraph (a) of this order shall be subject to adjustment at any time by the Office of Price Administration.

(c) This Order No. 9 may be amended or revoked at any time by the Office of Price Administration.

(d) This Order No. 9 shall become effective January 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of January 1943.

LEON HENDERSON,
Administrator.

[F. R. Doc. 43-374; Filed, January 7, 1943; 12:06 p. m.]

[Order 58 Under RPS 64]

COLE HOT BLAST MANUFACTURING COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 58 under Revised Price Schedule No. 64—Domestic Cooking and Heating Stoves.

Approval of maximum prices for Cole Hot Blast Manufacturing Company, 3108-3128 West Fifty-First Street, Chicago, Illinois.

On November 28, 1942, the Cole Hot Blast Manufacturing Company, 3108– 3128 West Fifty-First Street, Chicago, Illinois, filed an application pursuant to § 1356.1 (d) of Revised Price Schedule No. 64 for approval of maximum prices for eight models of Heating Stoves, as designated below.

Due consideration has been given to the application and an opinion, issued simultaneously herewith, has been filed with the Division of the Federal Register. For the reasons set forth in the opinion and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, It is hereby ordered:

(a) Cole Hot Blast Manufacturing Company may sell, offer to sell, transfer or deliver the following models of heating stoves at prices no higher than those specified:

Model No.:	F.o.b. factory to	dealers
840-V		838.91
830-V		31.23
205-V		23.67
109-V		17.97
108-V		13.77
225-V		11.85
107-V		11.32
221-V		9.06

subject to discounts, allowances and terms no less favorable than those in effect with respect to the maximum prices for the comparable models B-840, B-830, 205-B, 109-B, 108-B, 625-L, 107-B, 621-L, respectively, as established under Revised Price Schedule No. 64.

(b) This Order No. 58 may be revoked or amended by the Price Administrator at any time.

(c) Unless the context otherwise requires, the definitions set forth § 1356.11 of Revised Price Schedule No. 64 shall apply to terms used herein.

(d) This Order No. 58 shall become effective on the 8th day of January 1943.

Issued this 7th day of January 1943.

Leon Henderson, Administrator.

[F. R. Doc. 43-376; Filed, January 7, 1943; 12:07 p. m.]

[Order 7 Under RPS 41]

ELECTROCAST STEEL FOUNDRY Co.

ADJUSTMENT OF MAXIMUM PRICES

Correction

In the 16th line of the middle column of page 246 of the issue for Wednesday, January 6, 1943, the figure 63 is indistinctly printed.

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 1-1779]

CLEVELAND BUILDERS REALTY Co.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRA-

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of January, A. D. 1943.

In the matter of The Cleveland Builders Realty Company, Capital Stock, No Par Value.

The Cleveland Builders Realty Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Capital Stock, No Par Value, from listing and registration on the Cleveland Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard:

It is ordered, That the matter be set down for hearing at 10:00 a.m. on Thursday, February 4, 1943, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That G. J. Oden-weller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, sub-poena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-394; Filed, January 7, 1943; 3:00 p. m.]

## WAR PRODUCTION BOARD.

Director General for Operations.

[Preference Rating Order P-19-h, Sorial 28136]

RESTORATION AND AMENDMENT OF PREFERENCE RATING

Name and address of builder: Federal Works Agency, North Interior Building, Washington, D. C. Project and location: Construction of an addition to the Sunray Elementary School, Sunray Independent School District, Sunray, Texas (WPW 41-436).

The revocation issued December 4,

The revocation issued December 4, 1942 of the above serially numbered preference rating order is hereby cancelled; the ratings assigned by said preference rating order are hereby restored; and said preference rating orders shall have full force and effect as hereinafter amended.

The above serially numbered preference rating order is hereby amended to expire on May 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued January 6, 1943.

Ernest Kanzler, Director General for Operations.

[F. R. Doc. 43-395; Filed January 7, 1943; 3:39 p. m.]